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House File 2105 - Introduced

HOUSE FILE 2105
BY LUKAN

A BILL FOR

1 An Act requiring the commissioner of insurance to develop a
2 uniform application for use by individuals applying for
3 new health insurance coverage under individual policies or
4 contracts of accident and health insurance.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5388YH (3) 84
av/nh



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H.F. 2105

1 Section 1. **NEW SECTION. 514A.5A Uniform application form.**
2 The commissioner shall develop, by rule, a uniform
3 application form for use by individuals applying for new health
4 insurance coverage under an individual policy or contract of
5 accident and health insurance written by an Iowa or non-Iowa
6 company or association duly licensed in this state as provided
7 in section 514A.1. The uniform application form shall be used
8 by all such companies and associations not less than six months
9 after the rules developing the form become effective under
10 chapter 17A.

11 **EXPLANATION**

12 This bill requires the commissioner of insurance to develop,
13 by rule, a uniform application form for use by individuals
14 applying for new health insurance coverage under an individual
15 policy or contract of accident and health insurance written by
16 a duly licensed Iowa or non-Iowa company or association.

17 The uniform application form shall be used by all such
18 companies and associations not less than six months after rules
19 developing the form become effective under Code chapter 17A.

20 Small employer health insurance carriers have been required
21 to provide a uniform application for use by small employers
22 since 2007.



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House File 2106 - Introduced

HOUSE FILE 2106
BY LUKAN

A BILL FOR

1 An Act relating to entrepreneur assistance by establishing an
2 entrepreneur micro-assistance grant program and fund, and
3 making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5357YH (4) 84
ad/sc



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H.F. 2106

1 Section 1. NEW SECTION. 15.321 **Entrepreneur**
2 **micro-assistance grant program.**

3 1. The authority shall establish and administer an
4 entrepreneur micro-assistance grant program. The entrepreneur
5 micro-assistance grant program is established to provide
6 grants to first-time entrepreneurs. Financial assistance
7 under the program shall be provided from the entrepreneur
8 micro-assistance fund created in section 15.322.

9 2. *a.* The authority shall designate a local economic
10 development entity to administer the grant program as provided
11 in this section.

12 *b.* In designating a local economic development entity, the
13 authority may consider:

14 (1) The local economic development entity's relationship
15 to the community.

16 (2) The local economic development entity's status as a
17 not-for-profit single management company, local government
18 entity, or other entity.

19 (3) Other information the authority deems relevant.

20 *c.* The board may accept, reject, or defer a local economic
21 development entity's application for funds under this section.

22 *d.* The authority shall enter into an agreement with a
23 local economic development entity designated pursuant to this
24 subsection for purposes of ensuring the program is administered
25 pursuant to the requirements of this section.

26 3. The authority shall allocate funds, not to exceed one
27 hundred thousand dollars to any one local economic development
28 entity, to designated local economic development entities to
29 administer the provisions of this section.

30 4. *a.* A local economic development entity designated
31 pursuant to this section shall establish a competitive-based
32 grant application process for first-time entrepreneurs. A
33 local economic development entity designated pursuant to
34 this section may accept and evaluate, and approve, deny, or
35 defer applications for financial assistance from first-time

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1 entrepreneurs pursuant to the requirements of this section.

2 *b.* A local economic development entity designated pursuant
3 to this section shall monitor the compliance of the recipients
4 of the grants awarded under this section with the requirements
5 of subsection 7 by requiring documentation of the use of the
6 award. The entity shall provide this documentation to the
7 authority when received.

8 *c.* All disbursements of moneys to recipients of a grant
9 awarded under this section by a designated local economic
10 development entity shall be made by the authority.

11 *d.* All repayments or recaptures and interest on grants
12 awarded under the program shall be remitted to the authority
13 and deposited in the entrepreneur micro-assistance fund.

14 *e.* The authority, with the assistance of the designated
15 local economic development entity, may seek the recapture
16 of a grant provided pursuant to this section as provided in
17 subsection 8.

18 5. A grant awarded under the program shall be at least
19 two thousand five hundred dollars, but shall not exceed fifty
20 thousand dollars.

21 6. A first-time entrepreneur is eligible to apply for a
22 grant under the program if the entrepreneur meets the following
23 criteria at the time of application:

24 *a.* The entrepreneur intends to or has located a business in
25 Iowa.

26 *b.* The entrepreneur has a business plan.

27 *c.* The entrepreneur's business would or does only employ
28 individuals legally authorized to work in this state.

29 7. A first-time entrepreneur shall use the awarded moneys
30 for one or more of the following:

31 *a.* Utility costs.

32 *b.* Transportation costs.

33 *c.* Liability insurance costs.

34 *d.* Property tax payments.

35 8. Upon approval by a designated local economic development

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1 entity of the application for a grant, the first-time
2 entrepreneur shall enter into an agreement with the authority,
3 which shall include but not be limited to all of the following
4 provisions:

5 a. If after receiving financial assistance, an entrepreneur
6 does not continue to meet all of the criteria for eligibility
7 as provided in subsection 6, all or a portion of the financial
8 assistance received is subject to disallowance, recapture, or
9 immediate repayment.

10 b. If an entrepreneur, after receiving financial assistance,
11 fails to use the awarded moneys as provided in subsection
12 7, all or a portion of the financial assistance received is
13 subject to disallowance, recapture, or immediate repayment.

14 9. The authority shall adopt rules pursuant to chapter 17A
15 as necessary to administer the program. The authority may
16 adopt emergency rules under section 17A.4, subsection 3, and
17 section 17A.5, subsection 2, paragraph "b", as necessary for the
18 administration of this section.

19 Sec. 2. NEW SECTION. 15.322 Entrepreneur micro-assistance
20 fund.

21 1. An entrepreneur micro-assistance fund is created in
22 the state treasury under the control of the authority and
23 consisting of any moneys appropriated by the general assembly
24 and any other moneys available to and obtained or accepted by
25 the authority for placement in the fund.

26 2. Payments of interest, repayments of moneys provided, and
27 recaptures of moneys provided shall be deposited in the fund.

28 3. The fund shall be used to provide grants under the
29 entrepreneur micro-assistance program established in section
30 15.321.

31 4. Moneys in the fund are not subject to section 8.33.
32 Notwithstanding section 12C.7, interest or earnings on moneys
33 in the fund shall be credited to the fund.

34 Sec. 3. ENTREPRENEUR MICRO-ASSISTANCE APPROPRIATION.

35 1. There is appropriated from the general fund of the state

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1 to the economic development authority for the fiscal year
2 beginning July 1, 2012, and ending June 30, 2013, the following
3 amount, or so much thereof as is necessary, to be used for the
4 purposes designated:

5 For the purpose of assisting first-time entrepreneurs
6 through the entrepreneur micro-assistance grant program,
7 including salaries, support, maintenance, and miscellaneous
8 purposes:

9 \$ 1,000,000

10 2. Notwithstanding section 8.33, moneys appropriated in
11 this section that remain unencumbered or unobligated at the
12 close of the fiscal year shall not revert but shall remain
13 available for expenditure for the purposes designated.

14 EXPLANATION

15 This bill creates an entrepreneur micro-assistance
16 grant program for first-time entrepreneurs administered by
17 the economic development authority and by local economic
18 development entities. The bill allows a local economic
19 development entity to apply to the economic development
20 authority to administer the program. The authority shall
21 not allocate more than \$100,000 to any one local economic
22 development entity. When designating a local economic
23 development entity to administer the grant program, the
24 authority may consider the entity's relationship to the
25 community, the organizational status of the entity, or other
26 information the authority deems relevant.

27 The bill provides that a designated local economic
28 development entity must enter into an agreement with the
29 authority to ensure the entity administers the grant program
30 pursuant to the statutory requirements. The economic
31 development authority board may accept, reject, or defer a
32 local entity's application for allocation of funds.

33 The bill provides that a designated local economic
34 development entity shall establish a competitive-based
35 grant application process for first-time entrepreneurs. The

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1 entity may accept and evaluate, and approve, deny, or defer
2 applications pursuant to the statutory requirements. The
3 authority is required to make the disbursements of moneys to
4 recipients approved by a designated local economic development
5 entity. A grant awarded under the bill shall be at least
6 \$2,500 but shall not exceed \$50,000.

7 The designated local entity shall monitor a grant
8 recipient's compliance with the statutory requirements by
9 requiring documentation of the use of the award. The local
10 entity shall provide the documentation to the authority. The
11 bill allows the authority, with the assistance of a designated
12 local economic development entity, to seek the recapture of a
13 grant pursuant to the bill. All repayments or recaptures and
14 interest on grants awarded shall be remitted to the authority
15 and deposited in the entrepreneur micro-assistance fund.

16 The bill provides that a first-time entrepreneur is eligible
17 to apply for a grant if the entrepreneur intends to or has
18 started a business in Iowa, has a business plan, and the
19 entrepreneur's business would or does only employ individuals
20 legally authorized to work in the state. The bill also
21 provides the accepted uses for the grant award. The award
22 shall only be used for utility costs, transportation costs,
23 insurance costs, or property tax payments.

24 Once the local entity approves a grant, the bill provides
25 that the first-time entrepreneur shall enter into an agreement
26 with the authority. That agreement must include but is not
27 limited to provisions concerning the disallowance, recapture,
28 or immediate repayment of all or part of the funds if the
29 entrepreneur does not continue to meet the criteria for
30 eligibility or the entrepreneur fails to use the awarded moneys
31 as required.

32 The bill also creates a fund for the entrepreneur
33 micro-assistance grant program. The fund is under the control
34 of the authority and consists of any moneys appropriated by
35 the general assembly and any other moneys available to and

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1 obtained or accepted by the authority for placement in the
2 fund. Payments of interest, repayments of moneys provided, and
3 recaptures of moneys provided shall be deposited in the fund.
4 The fund shall be used to provide grants under the entrepreneur
5 micro-assistance program. The money in the fund is not subject
6 to reversion of funds or interest.

7 The bill makes an appropriation of \$1 million for the fiscal
8 year beginning July 1, 2012, and ending June 30, 2013, for
9 the purpose of assisting first-time entrepreneurs through the
10 entrepreneur micro-assistance grant program.



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House File 2107 - Introduced

HOUSE FILE 2107
BY KOESTER

A BILL FOR

1 An Act authorizing students in a district-to-community college
2 sharing or concurrent enrollment program to decline college
3 credit.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5378YH (3) 84
md/sc



Iowa General Assembly
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H.F. 2107

1 Section 1. Section 257.11, subsection 3, paragraph b,
2 unnumbered paragraph 1, Code 2011, is amended to read as
3 follows:

4 If the school budget review committee certifies to the
5 department of management that the class would not otherwise be
6 implemented without the assignment of additional weighting,
7 pupils, except those pupils who have elected to decline
8 college credit under section 261E.8, subsection 4A, attending
9 a community college-offered class or attending a class taught
10 by a community college-employed instructor are assigned a
11 weighting of the percentage of the pupil's school day during
12 which the pupil attends class in the community college or
13 attends a class taught by a community college-employed
14 instructor times seventy hundredths for career and technical
15 courses or forty-six hundredths for liberal arts and sciences
16 courses. The following requirements shall be met for the
17 purposes of assigning an additional weighting for classes
18 offered through a sharing agreement between a school district
19 and community college. The class must be:

20 Sec. 2. Section 260C.14, subsection 21, paragraph a, Code
21 2011, is amended by adding the following new subparagraph:
22 NEW SUBPARAGRAPH. (4A) Unduplicated headcount of eligible
23 students participating in the district-to-community college
24 sharing or concurrent enrollment program who have elected to
25 decline college credit under section 261E.8, subsection 4A,
26 and the total high school credits earned by such students from
27 courses taken through the program.

28 Sec. 3. Section 261E.8, Code Supplement 2011, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 4A. A student enrolled in a course under
31 this section for both college credit and high school credit
32 may, prior to the date designated by the community college for
33 withdrawing from or dropping a class, elect to decline the
34 award of college credit for completing the course. If the
35 student makes an election under this subsection, the student

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1 shall receive only high school credit for completing the
2 course. An election made under this subsection must be made in
3 writing and received by the school district and the community
4 college on or before the date designated by the community
5 college for withdrawing from or dropping the course. However,
6 to receive high school credit for the course under subsection
7 4, the student shall otherwise successfully complete the course
8 as determined by the community college.

9 Sec. 4. Section 261E.8, subsection 7, Code Supplement 2011,
10 is amended by adding the following new paragraph:

11 NEW PARAGRAPH. *0c.* An unduplicated enrollment count of
12 eligible students participating in the program who have elected
13 to decline college credit under subsection 4A and the total
14 high school credits earned by such students from courses taken
15 through the program.

16 EXPLANATION

17 This bill authorizes a student who is enrolled in a course
18 under a district-to-community college sharing or concurrent
19 enrollment program to, prior to the date designated by the
20 community college for withdrawing from or dropping a class,
21 elect to decline the award of college credit for completing the
22 course, and the student shall receive only high school credit
23 for completing the course. Such an election must be made in
24 writing and received by the school district on or before the
25 date designated by the community college for withdrawing from
26 or dropping the course. In addition, the bill provides that
27 to receive high school credit for the course the student shall
28 otherwise successfully complete the course as determined by the
29 community college.

30 The bill provides that a student who declines college credit
31 for a course under a district-to-community college sharing or
32 concurrent enrollment program is not eligible for supplementary
33 weighting under Code section 257.11(3).

34 The bill also includes reporting and data gathering
35 requirements for the state board of education and the boards of



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1 directors of each community college.



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House File 2108 - Introduced

HOUSE FILE 2108

BY WILLEMS, SWAIM, WITTNEBEN,
HANSON, WENTHE, THOMAS, and
MUHLBAUER

A BILL FOR

1 An Act providing for the adjustment of state foundation aid
2 amounts payable to school districts with certain enrollment
3 levels.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5084YH (3) 84
md/sc



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1 Section 1. Section 257.7, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. *Budgets.* School districts are subject to chapter 24.
4 The authorized expenditures of a school district during a base
5 year shall not exceed the lesser of the budget for that year
6 certified under section 24.17 plus any allowable amendments
7 permitted in this section, or the authorized budget, which is
8 the sum of the combined district cost for that year including
9 any adjustments required by section 257.16B, the actual
10 miscellaneous income received for that year, and the actual
11 unspent balance from the preceding year.

12 Sec. 2. Section 257.10, subsection 8, paragraph a, Code
13 2011, is amended to read as follows:

14 a. (1) Combined district cost is the sum of the regular
15 program district cost per pupil multiplied by the weighted
16 enrollment, the special education support services district
17 cost, the total teacher salary supplement district cost, the
18 total professional development supplement district cost, and
19 the total early intervention supplement district cost, plus the
20 sum of the additional district cost allocated to the district
21 to fund media services and educational services provided
22 through the area education agency, the area education agency
23 total teacher salary supplement district cost and the area
24 education agency total professional development supplement
25 district cost.

26 (2) For budget years beginning on or after July 1, 2013,
27 each school district's combined district cost for the purposes
28 of determining a school district's authorized expenditures
29 under section 257.7 shall be adjusted to reflect the adjustment
30 to the school district's state foundation aid under section
31 257.16B.

32 Sec. 3. NEW SECTION. 257.16B State foundation aid
33 adjustment — teacher salary and benefits support.

34 1. For budget years beginning on or after July 1, 2013, the
35 department of management shall, following the determination of



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1 the total amount of state foundation aid payable to each school
2 district pursuant to section 257.16, subsection 1, adjust the
3 total amount of state foundation aid payable to each school
4 district as follows:

5 a. Each school district's total amount of state foundation
6 aid shall be reduced by an amount equal to the school
7 district's weighted enrollment divided by the total statewide
8 weighted enrollment, and then multiplied by fifteen million
9 dollars. The fifteen million dollars resulting from the
10 reduction in state foundation aid shall be apportioned as
11 provided in paragraph "b".

12 b. Following the reduction in paragraph "a", the department
13 of management shall, for each school district with a budget
14 enrollment of less than two thousand five hundred pupils,
15 increase each school district's resulting total amount of state
16 foundation aid by an amount equal to the school district's
17 budget enrollment divided by the total budget enrollment for
18 all school districts in the state with a budget enrollment of
19 less than two thousand five hundred pupils, and then multiplied
20 by fifteen million dollars.

21 2. The amount of the increase to a school district's state
22 foundation aid determined under subsection 1, paragraph "b",
23 in excess of the amount of the school district's total state
24 foundation aid prior to any adjustment under this section shall
25 be used by the school district exclusively for teacher salaries
26 and benefits within the district.

27 3. The department of management shall notify each school
28 district of the amount of the adjustment to state foundation
29 aid under this section. Except for the adjustment to a
30 school district's combined district cost for the purposes
31 of determining a school district's authorized expenditures
32 under section 257.7, this section shall not result in the
33 recalculation of other state aid amounts or the recalculation
34 of any property tax levy for the budget year.

35

EXPLANATION

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1 This bill provides for an adjustment of state foundation aid
2 amounts to certain school districts with certain enrollment
3 levels.

4 Under the bill, for budget years beginning on or after July
5 1, 2013, the department of management is required to adjust the
6 total amount of state foundation aid otherwise payable to each
7 school district under the school foundation funding formula.
8 Each school district's total amount of state foundation aid
9 is first reduced by an amount equal to the school district's
10 weighted enrollment divided by the total statewide weighted
11 enrollment, and then multiplied by \$15 million. Those school
12 districts with a budget enrollment of less than 2,500 pupils
13 will then have the school district's resulting total amount
14 of state foundation aid increased by an amount equal to the
15 school district's budget enrollment divided by the total budget
16 enrollment for all school districts in the state with a budget
17 enrollment of less than 2,500 pupils, and then multiplied by
18 \$15 million.

19 Under the bill, the amount of the increase to a school
20 district's state foundation aid in excess of the amount of
21 the school district's total state foundation aid prior to any
22 adjustment under the bill shall be used by the school district
23 exclusively for teacher salaries and benefits within the
24 district.

25 The bill includes a requirement that each school district
26 be notified of the adjustments made under the bill and
27 states that except for the adjustment to a school district's
28 combined district cost for the purposes of determining a school
29 district's authorized expenditures under Code section 257.7,
30 the adjustments to state foundation aid do not result in the
31 recalculation of other state aid amounts or the recalculation
32 of any property tax levy for the budget year.



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House File 2109 - Introduced

HOUSE FILE 2109
BY SCHULTE

A BILL FOR

1 An Act relating to student enrollment following reorganization
2 or dissolution of a school district and including effective
3 date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5548YH (2) 84
md/sc



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H.F. 2109

1 Section 1. NEW SECTION. 275.42 Attendance in other
2 district.

3 1. A student enrolled in grades kindergarten through
4 eleventh grade during the school year preceding the effective
5 date of a school reorganization under this chapter, who
6 was a resident of a school district affected, may enroll in
7 any reorganized school district to which territory of the
8 school district affected is now included until the student's
9 graduation from high school, unless the student was expelled
10 or suspended from school and the conditions of expulsion or
11 suspension have not been met. The student under expulsion or
12 suspension shall not be enrolled until the board of directors
13 of the school district to which territory of the school
14 district affected was attached approves, by majority vote, the
15 enrollment of the student.

16 2. Notwithstanding section 282.24, the district of
17 residence of the student, determined in the reorganization
18 proposal, shall pay tuition to the school district selected by
19 the student in an amount not to exceed the district cost per
20 pupil of the district of residence, and the school district
21 selected by the student shall accept that tuition payment and
22 enroll the student.

23 Sec. 2. Section 275.55A, Code 2011, is amended to read as
24 follows:

25 275.55A Attendance in other district.

26 1. A student enrolled in ~~ninth, tenth, or~~ grades
27 kindergarten through eleventh grade during the school year
28 preceding the effective date of a dissolution proposal, who was
29 a resident of the school district that dissolved, may enroll
30 in a school district to which territory of the school district
31 that dissolved was attached until the student's graduation
32 from high school, unless the student was expelled or suspended
33 from school and the conditions of expulsion or suspension have
34 not been met. The student under expulsion or suspension shall
35 not be enrolled until the board of directors of the school

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1 district to which territory of the dissolved school district
2 was attached approves, by majority vote, the enrollment of the
3 student.

4 2. Notwithstanding section 282.24, the district of
5 residence of the student, determined in the dissolution
6 proposal, shall pay tuition to the school district selected
7 by the student in an amount not to exceed the district cost
8 per pupil of the district of residence and the school district
9 selected by the student shall accept that tuition payment and
10 enroll the student.

11 Sec. 3. Section 282.9, subsection 1, Code 2011, is amended
12 to read as follows:

13 1. Notwithstanding sections 275.42, 275.55A, 256F.4, and
14 282.18, or any other provision to the contrary, prior to
15 knowingly enrolling an individual who is required to register
16 as a sex offender under chapter 692A, but who is otherwise
17 eligible to enroll in a public school, the board of directors
18 of a school district shall determine the educational placement
19 of the individual. Upon receipt of notice that a student who
20 is enrolled in the district is required to register as a sex
21 offender under chapter 692A, the board shall determine the
22 educational placement of the student. The tentative agenda
23 for the meeting of the board of directors at which the board
24 will consider such enrollment or educational placement shall
25 specifically state that the board is considering the enrollment
26 or educational placement of an individual who is required
27 to register as a sex offender under chapter 692A. If the
28 individual is denied enrollment in a school district under this
29 section, the school district of residence shall provide the
30 individual with educational services in an alternative setting.

31 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
32 immediate importance, takes effect upon enactment.

33 Sec. 5. APPLICABILITY. This Act applies to school district
34 reorganizations and dissolutions that take effect under chapter
35 275 on or after the effective date of this Act.

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EXPLANATION

1 EXPLANATION

2 This bill provides that a student enrolled in grades

3 kindergarten through eleventh grade during the school year

4 preceding the effective date of a school reorganization under

5 Code chapter 275, who was a resident of a school district

6 affected by the reorganization, may enroll in any reorganized

7 school district to which territory of the school district

8 affected is now included until the student's graduation from

9 high school, unless the student was expelled or suspended from

10 school and the conditions of expulsion or suspension have

11 not been met. Under the bill, a student under expulsion or

12 suspension shall not be enrolled until the board of directors

13 of the reorganized school district approves, by majority vote,

14 the enrollment of the student.

15 The bill modifies similar existing enrollment provisions
16 applicable to school district dissolutions in Code section
17 275.55A by applying such enrollment options to students
18 enrolled in kindergarten through eleventh grade during the
19 school year preceding the dissolution. Current Code section
20 275.55A only applies to students enrolled in ninth, tenth, or
21 eleventh grade.

22 The bill takes effect upon enactment and applies to school
23 district reorganizations and dissolutions that take effect
24 under Code chapter 275 on or after the effective date of the
25 bill.



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House File 2110 - Introduced

HOUSE FILE 2110
BY WOLFE

A BILL FOR

1 An Act relating to suspension of a child support obligation or
2 order and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5615HH (2) 84
pf/nh



Iowa General Assembly
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H.F. 2110

1 Section 1. NEW SECTION. 252B.20A Suspension of support —
2 request by one parent.

3 1. If the unit is providing child support enforcement
4 services pursuant to this chapter, the parent who is ordered
5 to pay support for a dependent child for whom support has been
6 ordered pursuant to chapter 252A, 252C, or 252F, may request
7 the assistance of the unit in suspending the obligation for
8 support if all of the following conditions exist:

9 a. The child is currently residing with the parent who
10 is ordered to pay support, and has been residing with that
11 parent for more than thirty consecutive days. If the basis for
12 suspension under this paragraph applies to at least one but not
13 all of the children for whom support is ordered, the condition
14 of this paragraph is met only if the support order includes a
15 step change.

16 b. There is no order in effect regarding legal custody,
17 physical care, visitation, or other parenting time for the
18 child.

19 c. It is reasonably expected that the basis for suspension
20 under this section will continue for not less than six months
21 from the date a request for assistance to suspend support is
22 received by the unit.

23 d. The child for whom support is ordered is not receiving
24 public assistance pursuant to chapter 239B or 249A, or a
25 comparable law of a foreign jurisdiction, unless the person
26 against whom support is ordered is considered to be a member
27 of the same household as the child for the purposes of public
28 assistance eligibility.

29 e. The requesting parent has signed a notarized affidavit,
30 provided by the unit, attesting to the existence of the
31 conditions under paragraphs "a" through "d", has requested
32 suspension of the support order or obligation, and has
33 submitted the affidavit to the unit.

34 f. No prior request for suspension has been served under
35 this section, and no prior request for suspension has been

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1 filed with the unit pursuant to section 252B.20, during the
2 two-year period preceding the request.

3 *g.* Any other criteria established by rule of the department.

4 2. Upon receipt of the application for suspension and
5 properly executed and notarized affidavit, the unit shall
6 review the application and affidavit to determine that the
7 necessary criteria have been met. The unit shall then do one
8 of the following:

9 *a.* Deny the request and notify the requesting parent in
10 writing that the application is being denied, providing reasons
11 for the denial and notifying the requesting parent of the right
12 to proceed through private counsel. Denial of the application
13 is not subject to contested case proceedings or further review
14 pursuant to chapter 17A.

15 *b.* Serve a copy of the application, the affidavit, and
16 notice on the nonrequesting parent by any means provided in
17 section 252B.26. The notice to the nonrequesting parent shall
18 include all of the following:

19 (1) Information sufficient to identify the parties and the
20 support order affected.

21 (2) An explanation of the procedure for suspension and
22 reinstatement of support under this section.

23 (3) An explanation of the rights and responsibilities of the
24 nonrequesting parent, including the applicable procedural time
25 frames.

26 (4) A statement that within twenty days of service, the
27 nonrequesting parent must submit a response, in writing, to the
28 unit agreeing to the assertions or objecting to at least one of
29 the assertions included in the requesting parent's affidavit.
30 The statement shall inform the nonrequesting parent that if,
31 within twenty days of service, the nonrequesting parent fails
32 to submit a response as specified in this subparagraph (4), the
33 unit will prepare and submit an order as provided in subsection
34 3, paragraph "b".

35 3. No sooner than thirty days after service on the

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1 nonrequesting parent under subsection 2, paragraph "b", the
2 unit shall do one of the following:

3 a. If the nonrequesting parent submits a written objection
4 to any assertion included in the requesting parent's affidavit,
5 deny the request and notify both parents in writing that the
6 application is denied, providing reasons for the denial, and
7 notifying the parents of the right to proceed through private
8 counsel. Denial of the application is not subject to contested
9 case proceedings or further review pursuant to chapter 17A.

10 b. If the nonrequesting parent did not submit a written
11 response to the unit or submitted a response agreeing with
12 all of the assertions included in the requesting parent's
13 affidavit, approve the request and prepare an order which shall
14 be submitted, along with the affidavit and any response from
15 the nonrequesting parent, to a judge of a district court for
16 approval, suspending the accruing support obligation. If
17 the basis for suspension applies to at least one but not all
18 of the children for whom support is ordered and the support
19 order includes a step change, the unit shall prepare an order
20 suspending the accruing support obligation for each child to
21 whom the basis for suspension applies.

22 4. An order approved by the court for suspension of an
23 accruing support obligation is effective upon the date of
24 filing of the suspension order.

25 5. An order suspending an accruing support obligation
26 entered by the court pursuant to this section shall be
27 considered a temporary order for the period of six months from
28 the date of filing of the suspension order. However, the
29 six-month period shall not include any time during which an
30 application for reinstatement is pending before the court.

31 6. During the six-month period the unit may request that the
32 court reinstate the accruing support order or obligation if any
33 of the following conditions exist:

34 a. Upon application to the unit by either parent or other
35 person who has physical custody of the child.

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1 *b.* Upon the receipt of public assistance benefits pursuant
2 to chapter 239B or 249A, or a comparable law of a foreign
3 jurisdiction, by the person entitled to receive support and the
4 child on whose behalf support is paid, provided that the person
5 owing the support is not considered to be a member of the same
6 household as the child for the purposes of public assistance
7 eligibility.

8 7. If a condition under subsection 6 exists, the unit may
9 request that the court reinstate an accruing support obligation
10 as follows:

11 *a.* If the basis for the suspension no longer applies to any
12 of the children for whom an accruing support obligation was
13 suspended, the unit shall request that the court reinstate the
14 accruing support obligations for all of the children.

15 *b.* If the basis for the suspension continues to apply to
16 at least one but not all of the children for whom an accruing
17 support obligation was suspended and if the support order
18 includes a step change, the unit shall request that the court
19 reinstate the accruing support obligation for each child for
20 whom the basis for the suspension no longer applies.

21 8. Upon filing of an application for reinstatement, service
22 of the application shall be made either in person or by first
23 class mail upon both parents. Within ten days following the
24 date of service, a parent may file a written objection with
25 the clerk of the district court to the entry of an order for
26 reinstatement.

27 *a.* If no objection is filed, the court may enter an order
28 reinstating the accruing support obligation without additional
29 notice.

30 *b.* If an objection is filed, the clerk of court shall set
31 the matter for hearing and send notice of the hearing to both
32 parents and the unit.

33 9. The reinstatement is effective as follows:

34 *a.* For reinstatements initiated under subsection 6,
35 paragraph "a", the date the notices were served on both parents

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1 pursuant to subsection 8.

2 **b.** For reinstatements initiated under subsection 6,
3 paragraph "b", the date the child began receiving public
4 assistance benefits during the suspension of the obligation.

5 **c.** Support which became due during the period of suspension
6 but prior to the reinstatement is waived and not due and owing
7 unless the suspension was made under false pretenses.

8 10. If the order suspending a support obligation has been
9 on file with the court for a period exceeding six months as
10 computed pursuant to subsection 5, the order becomes final by
11 operation of law and terminates the support obligation, and
12 thereafter, a party seeking to establish a support obligation
13 against either party shall bring a new action for support as
14 provided by law.

15 11. This section shall not limit the rights of a parent
16 or the unit to proceed by other means to suspend, terminate,
17 modify, reinstate, or establish support.

18 12. This section does not provide for the suspension or
19 retroactive modification of support obligations which accrued
20 prior to the entry of an order suspending enforcement and
21 collection of support pursuant to this section.

22 13. Nothing in this section shall prohibit or limit the
23 unit or a party entitled to receive support from enforcing and
24 collecting any unpaid or unsatisfied support that accrued prior
25 to the suspension of the accruing obligation.

26 14. For the purposes of chapter 252H regarding the criteria
27 for a review under subchapter II of that chapter or for a
28 cost-of-living alteration under subchapter IV of that chapter,
29 if a support obligation is terminated or reinstated under
30 this section, such termination or reinstatement shall not be
31 considered a modification of the support order.

32 15. As used in this section, unless the context otherwise
33 requires, "step change" means a change designated in a support
34 order specifying the amount of the child support obligation
35 as the number of children entitled to support under the order

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1 changes.

2 Sec. 2. Section 252B.20, subsection 1, paragraph d, Code
3 Supplement 2011, is amended to read as follows:

4 d. No prior request for suspension has been filed with the
5 unit under this section and no prior request for suspension
6 has been served by the unit under section 252B.20A during the
7 two-year period preceding the request, unless the request was
8 filed during the two-year period preceding July 1, 2005, the
9 unit denied the request because the suspension did not apply
10 to all children for whom support is ordered, and the parents
11 jointly file a request on or after July 1, 2005.

12 Sec. 3. ADOPTION OF RULES. Until such time as the
13 department of human services adopts rules pursuant to chapter
14 17A regarding section 252B.20A, as enacted in this Act, the
15 child support recovery unit may, to the extent appropriate,
16 apply and utilize procedures, rules, and forms substantially
17 similar to those applicable and utilized pursuant to section
18 252B.20.

19 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,
20 2013.

21 EXPLANATION

22 This bill provides a process for suspension of a child
23 support obligation or order if the requesting parent meets
24 the following criteria: the child has been residing with
25 the parent ordered to pay support for more than 30 days and
26 is still residing with that parent; there is no order in
27 effect for legal custody, physical care, visitation, or other
28 parenting time for the child; it is reasonably expected that
29 the basis for the suspension will continue for not less than
30 six months; the child is not receiving public assistance
31 unless the requesting parent is considered a member of the
32 same household as the child for public assistance eligibility;
33 the requesting parent attests to meeting the criteria in a
34 signed notarized affidavit submitted to the child support
35 recovery unit (unit); a request has not been made during the

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1 two-year period preceding the request; and any other criteria
2 established by the unit. The bill provides the procedure
3 to be followed by the unit upon submission of the request
4 for suspension; provides that a suspension order approved
5 by the court is effective upon the date of filing of the
6 suspension order; provides that the approved suspension order
7 is considered a temporary order for the initial six-month
8 period; provides for reinstatement of the support order if
9 certain conditions are met and the procedure for reinstatement;
10 and provides that a suspension on file with the court for a
11 period exceeding six months becomes final by operation of law,
12 terminates the support obligation, and if a party seeks to
13 establish a subsequent support obligation, the party must bring
14 a new action. The bill provides that the department of human
15 services may use the procedures, rules, and forms substantially
16 similar to those applicable and utilized for the suspension
17 procedure under Code section 252B.20. The bill takes effect
18 January 1, 2013.



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House File 2111 - Introduced

HOUSE FILE 2111
BY WOLFE

A BILL FOR

1 An Act relating to elimination of the authorization for a court
2 to order the payment of a postsecondary education subsidy in
3 dissolution of marriage proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5614HH (2) 84
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H.F. 2111

1 Section 1. Section 252D.16, subsection 3, Code 2011, is
2 amended to read as follows:

3 3. *"Support" or "support payments"* means any amount which
4 the court or administrative agency may require a person to pay
5 for the benefit of a child under a temporary order or a final
6 judgment or decree entered under chapter 232, 234, 252A, 252C,
7 252F, 252H, 598, 600B, or any other comparable chapter, and may
8 include child support, maintenance, medical support as defined
9 in chapter 252E, spousal support, and any other term used to
10 describe these obligations. These obligations may include
11 support for a child of any age who is dependent on the parties
12 to the dissolution proceedings because of physical or mental
13 disability. The obligations may include support for a child
14 eighteen or more years of age with respect to whom a child
15 support order has been issued pursuant to the laws of a foreign
16 jurisdiction. ~~These obligations shall not include amounts for~~
17 ~~a postsecondary education subsidy as defined in section 598.1.~~

18 Sec. 2. Section 598.1, subsection 8, Code 2011, is amended
19 by striking the subsection.

20 Sec. 3. Section 598.20, Code 2011, is amended to read as
21 follows:

22 **598.20 Forfeiture of marital rights.**

23 When a dissolution of marriage is decreed the parties
24 shall forfeit all rights acquired by marriage which are not
25 specifically preserved in the decree. This provision shall
26 not obviate any of the provisions of section 598.21, 598.21A,
27 598.21B, 598.21C, 598.21D, or 598.21E, ~~or 598.21F.~~

28 Sec. 4. Section 598.22, subsection 5, Code 2011, is amended
29 to read as follows:

30 5. Prompt payment of sums required to be paid under sections
31 598.10, 598.21A, 598.21B, 598.21C, and 598.21E, ~~and 598.21F~~ is
32 the essence of such orders or judgments and the court may act
33 pursuant to section 598.23 regardless of whether the amounts in
34 default are paid prior to the contempt hearing.

35 Sec. 5. Section 600.11, subsection 2, paragraph a,

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1 subparagraph (6), Code Supplement 2011, is amended to read as
2 follows:

3 (6) A person who is ordered to pay support ~~or a~~
4 ~~postsecondary education subsidy~~ pursuant to ~~section 598.21F, or~~
5 chapter 234, 252A, 252C, 252F, 598, 600B, or any other chapter
6 of the Code, for a person eighteen years of age or older who is
7 being adopted by a stepparent, and the support order or order
8 requires payment of support ~~or postsecondary education subsidy~~
9 for any period of time after the child reaches eighteen years
10 of age.

11 Sec. 6. REPEAL. Section 598.21F, Code 2011, is repealed.

12 EXPLANATION

13 This bill repeals provisions authorizing the court to order
14 payment of a postsecondary education subsidy. A postsecondary
15 education subsidy is an amount which either of the parties to a
16 dissolution may be required to pay for educational expenses of
17 a child who is between the ages of 18 and 22 years of age if the
18 child is regularly attending a course of vocational-technical
19 training; is, in good faith, a full-time student in a college,
20 university, or community college; or has been accepted for
21 admission to a college, university, or community college.



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House File 2112 - Introduced

HOUSE FILE 2112
BY LUKAN

A BILL FOR

1 An Act establishing a self-employment assistance program and
2 providing a termination date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 96.45 Self-employment assistance
2 program

3 1. *Definitions.* As used in this section, unless the context
4 otherwise requires:

5 a. *"Self-employment assistance activities"* means activities
6 approved by the director in which an individual participates
7 for the purpose of establishing a business and becoming
8 self-employed. Self-employment assistance activities include
9 but are not limited to entrepreneurial training, business
10 counseling, and technical assistance.

11 b. *"Self-employment assistance allowance"* means an amount
12 payable in lieu of regular benefits under this chapter to
13 an individual participating in self-employment assistance
14 activities in accordance with this section. Self-employment
15 assistance allowance amounts shall be paid from the
16 unemployment compensation fund.

17 2. *Self-employment assistance allowance — amount.* The
18 weekly amount of the self-employment assistance allowance
19 payable to an individual is equal to the weekly regular benefit
20 amount. The sum of the self-employment assistance allowance
21 paid under this section and the regular benefits paid under
22 this chapter with respect to any benefit year shall not
23 exceed the maximum benefit amount payable under section 96.3,
24 subsection 5, with respect to that benefit year.

25 3. *Eligibility requirements.* The following eligibility
26 requirements apply to the payment of a self-employment
27 assistance allowance under this section.

28 a. An individual may receive a self-employment assistance
29 allowance if the following requirements are met:

30 (1) The individual is eligible to receive regular benefits
31 or would be eligible to receive regular benefits except for the
32 requirements described in paragraph "b", subparagraphs (1) and
33 (2).

34 (2) The individual is identified by a worker profiling
35 system as an individual likely to exhaust regular benefits.

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1 (3) The individual has submitted an application form and an
2 initial business plan as prescribed by the director.

3 (4) The individual's initial business plan has been
4 reviewed for feasibility by the department in consultation with
5 the economic development authority created by section 15.105.
6 An individual shall not be approved for a self-employment
7 assistance allowance unless the department finds the
8 individual's initial business plan feasible. Upon request, the
9 department shall advise an individual as to resources available
10 in the state to aid in the development of a feasible, initial
11 business plan.

12 (5) The individual has obtained any occupational
13 certification or license necessary to carry out the
14 individual's initial business plan prior to the submission of
15 an application form and an initial business plan.

16 (6) The individual has filed a weekly claim for the
17 self-employment assistance allowance and provides a log of
18 self-employment activities and any other information the
19 director prescribes.

20 *b.* The self-employment assistance allowance shall be payable
21 to an individual at the same intervals and on the same terms
22 and conditions as regular benefits under this chapter except
23 for the following:

24 (1) The provisions of this chapter regarding being
25 available for work, actively seeking work, and refusing to
26 accept suitable work are not applicable to such an individual.

27 (2) The requirements of this chapter relating to
28 disqualifying income are not applicable to income earned from
29 self-employment by such an individual.

30 *c.* An individual who meets the requirements of this section
31 shall be considered to be totally unemployed under section
32 96.19, subsection 38, paragraph "a".

33 *d.* An individual who fails to actively engage on a full-time
34 basis in self-employment assistance activities is ineligible to
35 receive the self-employment assistance allowance for each week

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1 in which such failure occurs.

2 4. *Limitation on number of individuals receiving a*
3 *self-employment assistance allowance.* The number of individuals
4 receiving the self-employment assistance allowance at any time
5 shall not exceed five percent of the number of individuals
6 receiving regular benefits.

7 5. *Financing the costs of the self-employment assistance*
8 *allowance.* The self-employment assistance allowance shall be
9 charged to employers in the manner provided in this chapter for
10 the charging of regular benefits.

11 6. *Compliance with federal policy.* In adopting rules
12 to administer this section, the director, insofar as is
13 practicable, shall comply with the rules and policies of the
14 United States department of labor.

15 7. *Termination date.* The authority to pay self-employment
16 assistance allowances under this section terminates at the
17 end of the week preceding the date when federal law no longer
18 authorizes such payment, unless that date is on a Saturday in
19 which case the authority terminates on that date.

20 EXPLANATION

21 This bill establishes a self-employment assistance
22 program which provides unemployment compensation benefits to
23 individuals seeking to be self-employed. These benefits are
24 paid instead of regular unemployment compensation benefits.
25 Authority to establish the program is provided by federal law
26 at 26 U.S.C. § 3306(t).

27 The bill defines self-employment assistance activities
28 and self-employment assistance allowance. Self-employment
29 assistance activities are intended to enable an individual
30 to establish a business and become self-employed and
31 include entrepreneurial training, business counseling,
32 technical assistance, and any other activities approved by
33 the labor commissioner. The bill provides that the weekly
34 self-employment assistance allowance payable to an individual
35 is equal to the weekly benefit amount for regular unemployment

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1 benefits and the maximum yearly allowance is the same as
2 the maximum yearly, regular unemployment benefits currently
3 allowable. Charges to employers are made in the same manner as
4 charges to employers for regular unemployment benefits.

5 The bill establishes eligibility requirements for an
6 individual's acceptance into the self-employment assistance
7 program. An individual must be identified by a worker
8 profiling system as an individual likely to exhaust regular
9 unemployment compensation benefits. An individual must
10 submit an application form and an initial business plan. The
11 department of workforce development, in consultation with the
12 economic development authority, must review the individual's
13 initial business plan for feasibility. An individual's
14 initial business plan must be found feasible in order for the
15 individual to be accepted into the program. Upon request,
16 the department is to advise an individual as to resources
17 available in the state to aid in the development of a feasible
18 initial business plan. An individual must have obtained any
19 occupational certification or license necessary to carry out
20 the individual's initial business plan prior to applying for
21 the program. An individual must also file a weekly claim for
22 the self-employment assistance allowance and provide a log of
23 self-employment activities as well as any other information
24 required by the director of the department of workforce
25 development.

26 The bill provides that the requirements to receive regular
27 unemployment benefits relating to availability for work, active
28 search for work, refusal to accept work, and self-employment
29 income do not apply to an individual otherwise eligible to
30 receive a self-employment assistance allowance. The bill
31 provides that an individual who fails to actively engage in
32 self-employment assistance activities full-time is ineligible
33 to receive the self-employment assistance allowance for each
34 week such a failure occurs.

35 The bill provides that the maximum number of individuals

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1 eligible for the program at any one time is equal to 5 percent
2 of the individuals receiving regular unemployment benefits.
3 The bill directs the director of the department of workforce
4 development to comply with the rules and policies of the United
5 States department of labor, where practicable, when adopting
6 rules to implement the bill.
7 The bill is void if federal authorization for the program
8 ends.



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House File 2113 - Introduced

HOUSE FILE 2113

BY WINDSCHITL, BRANDENBURG,
J. TAYLOR, SCHULTZ,
HELLAND, CHAMBERS, ALONS,
FRY, WAGNER, JORGENSEN,
SWEENEY, HUSEMAN,
SODERBERG, MASSIE, SHAW,
PEARSON, and PETTENGILL

A BILL FOR

1 An Act relating to the carrying and possession of weapons and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rh/rj



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1 Section 1. Section 232.52, subsection 2, paragraph a,
2 subparagraph (4), subparagraph division (a), subparagraph
3 subdivision (viii), Code 2011, is amended to read as follows:

4 (viii) Section 724.4, if the child ~~carried the dangerous~~
5 ~~weapon~~ used the knife in the commission of a crime on school
6 grounds.

7 Sec. 2. Section 708.8, Code 2011, is amended to read as
8 follows:

9 **708.8 Going armed with intent.**

10 A person who goes armed with any dangerous weapon with the
11 intent to use without justification such weapon against the
12 person of another commits a class "D" felony. The intent
13 required for a violation of this section shall not be inferred
14 from the mere carrying or concealment of any dangerous weapon
15 itself, including the carrying of a loaded firearm, whether in
16 a vehicle or on or about a person's body.

17 Sec. 3. Section 724.4, Code 2011, is amended by striking the
18 section and inserting in lieu thereof the following:

19 **724.4 Use of a knife in the commission of a crime.**

20 A person who goes armed with a knife on or about the person,
21 if the person uses the knife in the commission of a crime,
22 commits an aggravated misdemeanor.

23 Sec. 4. Section 724.4B, Code 2011, is amended by striking
24 the section and inserting in lieu thereof the following:

25 **724.4B Carrying weapons on school grounds — penalty —**
26 **exceptions.**

27 1. A person who goes armed with, carries, or transports a
28 firearm of any kind, whether concealed or not, on the grounds
29 of a school commits a class "D" felony. For the purposes of
30 this section, "school" means a public or nonpublic school as
31 defined in section 280.2.

32 2. Subsection 1 does not apply to the following:

33 a. A person who has been specifically authorized by the
34 school to go armed, carry, or transport a firearm on the school
35 grounds, including for purposes of conducting an instructional

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1 program regarding firearms.

2 *b.* A peace officer, when the officer's duties require the
3 person to carry a firearm.

4 *c.* A member of the armed forces of the United States or
5 of the national guard or person in the service of the United
6 States, when the firearms are carried in connection with the
7 person's duties as such.

8 *d.* A correctional officer, when the officer's duties
9 require, serving under the authority of the Iowa department of
10 corrections.

11 *e.* A person who for any lawful purpose carries an unloaded
12 pistol, revolver, or other dangerous weapon inside a closed and
13 fastened container or securely wrapped package which is too
14 large to be concealed on the person.

15 *f.* A person who for any lawful purpose carries or transports
16 an unloaded pistol or revolver in a vehicle inside a closed
17 and fastened container or securely wrapped package which is
18 too large to be concealed on the person or inside a cargo
19 or luggage compartment where the pistol or revolver will not
20 be readily accessible to any person riding in the vehicle or
21 common carrier.

22 *g.* A law enforcement officer from another state when the
23 officer's duties require the officer to carry the firearm and
24 the officer is in this state for any of the following reasons:

25 (1) The extradition or other lawful removal of a prisoner
26 from this state.

27 (2) Pursuit of a suspect in compliance with chapter 806.

28 (3) Activities in the capacity of a law enforcement officer
29 with the knowledge and consent of the chief of police of the
30 city or the sheriff of the county in which the activities occur
31 or of the commissioner of public safety.

32 Sec. 5. Section 724.4C, Code 2011, is amended to read as
33 follows:

34 **724.4C Possession or carrying of firearms while under the**
35 **influence.**

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1 1. A permit issued under this chapter is invalid if the
2 Except as provided in subsection 2, a person to whom the permit
3 is issued is commits a serious misdemeanor if the person
4 is intoxicated as provided under the conditions set out in
5 section 321J.2, subsection 1-, and the person does any of the
6 following:

7 a. Carries a dangerous weapon on or about the person.
8 b. Carries a weapon within the person's immediate access or
9 reach while in a vehicle.

10 2. This section shall not apply to any of the following:

11 a. A person who carries or possesses a dangerous weapon
12 while in the person's own dwelling, place of business, or on
13 land owned or lawfully possessed by the person.

14 b. The transitory possession or use of a firearm during
15 an act of justified self-defense or justified defense of
16 another, provided that the possession lasts no longer than is
17 immediately necessary to resolve the emergency.

18 Sec. 6. Section 724.5, Code 2011, is amended by striking the
19 section and inserting in lieu thereof the following:

20 **724.5 Availability of permit not to be construed as**
21 **prohibition on unlicensed carrying of weapons.**

22 The availability of a professional or nonprofessional permit
23 to carry weapons under this chapter shall not be construed
24 to impose a general prohibition on the unlicensed carrying,
25 whether openly or concealed, of a deadly weapon, including a
26 loaded firearm.

27 EXPLANATION

28 This bill relates to the carrying and possession of weapons
29 and provides penalties.

30 The bill amends Code section 708.8, the crime of going armed
31 with a dangerous weapon with intent, a class "D" felony, to
32 provide that the intent element required for a violation of
33 this crime shall not be inferred from the mere carrying or
34 concealment of a dangerous weapon.

35 The bill strikes Code section 724.4 relating to the crime

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1 of carrying dangerous weapons, an aggravated misdemeanor,
2 and creates a new crime of going armed with a knife in the
3 commission of a crime, an aggravated misdemeanor. The bill
4 makes a conforming change to Code section 232.52, subsection
5 2, relating to the suspension or revocation of a juvenile's
6 driver's license or operating privilege.

7 The bill makes nonsubstantive changes to Code section 724.4B
8 relating to the carrying of weapons on school grounds.

9 The bill amends Code section 724.4C relating to the crime of
10 possession or carrying of firearms while under the influence
11 of alcohol or a drug. Current law invalidates a permit to
12 carry weapons if the person to whom the permit is issued is
13 intoxicated, as defined in Code section 321J.2, subsection 1
14 (while under the influence of an alcoholic beverage or other
15 drug or a combination of such substances, while having an
16 alcohol concentration of .08 or more, or while any amount of a
17 controlled substance is present in the person, as measured in
18 the person's blood or urine). The bill amends this provision
19 to provide that a person commits a serious misdemeanor if
20 the person is intoxicated and the person either carries a
21 dangerous weapon on or about the person or carries a dangerous
22 weapon within the person's immediate access or reach while in
23 a vehicle. This crime does not apply to situations where a
24 person carries or possesses a dangerous weapon while in the
25 person's own dwelling, place of business, or on the person's
26 land, and the transitory possession or use of a firearm during
27 an act of justified self-defense or justified defense of
28 another, if the possession of the firearm lasts no longer than
29 immediately necessary to resolve the emergency.

30 The bill strikes Code section 724.5 relating to a person's
31 duty to carry a valid permit to carry certain weapons for which
32 a permit has been issued to the person and replaces that Code
33 section to provide that the availability of a professional or
34 nonprofessional permit to carry weapons shall not be construed
35 to impose a general prohibition on the unlicensed carrying of a

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1 deadly weapon including a loaded firearm.



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House File 2114 - Introduced

HOUSE FILE 2114

BY WINDSCHITL, BAUDLER,
PETTENGILL, GARRETT,
BRANDENBURG, ALONS, DEYOE,
VANDER LINDEN, SCHULTZ,
HELLAND, CHAMBERS, FRY,
WAGNER, KLEIN, JORGENSEN,
WATTS, SWEENEY, RASMUSSEN,
HUSEMAN, SODERBERG, MASSIE,
HAGENOW, SHAW, PEARSON, and
L. MILLER

A BILL FOR

1 An Act relating to state preemption of firearms, firearm
2 accessories, and ammunition regulation by political
3 subdivisions, and including penalties and remedies and
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 724.28, Code 2011, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **724.28 State preemption — prohibition of firearms, firearm**
4 **accessories, and ammunition regulation by political subdivisions.**

5 1. The purpose of this section is to establish complete
6 state control over firearms, firearm accessories, and
7 ammunition regulation and policy in order to ensure that such
8 regulation and policy is applied uniformly throughout this
9 state to each person subject to the state's jurisdiction and to
10 ensure protection of the right to keep and bear arms recognized
11 by the Constitution of the United States. This section is to
12 be liberally construed to effectuate its purpose.

13 2. As used in this section:

14 *a. "Ammunition"* means fixed cartridge ammunition, shotgun
15 shells, the individual components of fixed cartridge ammunition
16 and shotgun shells, projectiles for muzzleloading firearms, and
17 any propellant used in firearms or in firearms ammunition.

18 *b. "Firearm"* means a pistol, revolver, rifle, shotgun,
19 machine gun, submachine gun, or black powder weapon which is
20 designed to, capable of, or may be readily converted to expel a
21 projectile by the action of an explosive.

22 *c. "Firearm accessory"* means a device specifically adapted
23 to enable the wearing or carrying about one's person, or the
24 storage or mounting in or on a conveyance, of a firearm, or
25 an attachment or device specifically adapted to be inserted
26 into or affixed onto a firearm to enable, alter, or improve the
27 functioning or capabilities of the firearm.

28 *d. "Person adversely affected"* means a person who meets all
29 of the following criteria:

30 (1) Lawfully resides within the United States.

31 (2) Can legally possess a firearm under the laws of this
32 state.

33 (3) Either of the following:

34 (a) Would be subject to the ordinance, measure, enactment,
35 rule, resolution, motion, or policy at issue if the person were

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1 present within the jurisdictional boundaries of the enacting
2 political subdivision, regardless of whether such person works
3 or resides in such political subdivision.

4 (b) Is a membership organization that includes as a member a
5 person described in subparagraphs (1) and (2) and subparagraph
6 division (a) of this subparagraph and that is dedicated in
7 whole or in part to protecting the rights of those persons
8 who possess, own, or use firearms for competitive, sporting,
9 defensive, or other lawful purposes.

10 e. *"Political subdivision"* means a county, city, township,
11 school district, or any other subunit of this state.

12 3. Except as otherwise provided in this section, the
13 regulation of all of the following is hereby declared to be the
14 exclusive domain of the state:

15 a. Firearms, firearm accessories, and ammunition.

16 b. The ownership, possession, use, discharge, carrying,
17 transportation, registration, transfer, and storage of
18 firearms, firearm accessories, and ammunition.

19 c. Commerce in and taxation of firearms, firearm
20 accessories, and ammunition.

21 d. Any other matter pertaining to firearms, firearm
22 accessories, and ammunition.

23 4. An ordinance, measure, enactment, rule, resolution,
24 motion, or policy adopted by a political subdivision, or an
25 official action taken by an employee or agent of a political
26 subdivision, including through any legislative, police power,
27 or proprietary capacity, in violation of this section is void.

28 5. This section shall not be construed to prevent any of the
29 following:

30 a. A duly organized law enforcement agency of a political
31 subdivision from adopting and enforcing rules pertaining to
32 firearms, firearm accessories, or ammunition issued to or used
33 by peace officers in the course of their official duties.

34 b. An employer from regulating or prohibiting an employee
35 from carrying or possessing firearms, firearm accessories, or

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1 ammunition during and in the course of the employee's official
2 duties.

3 *c.* A court or administrative law judge from hearing and
4 resolving a case or controversy or issuing an opinion or order
5 on a matter within the court's or judge's jurisdiction.

6 *d.* The enactment or enforcement of a generally applicable
7 zoning or business ordinance that includes firearms businesses
8 along with other businesses, provided that an ordinance
9 designed or enforced to effectively restrict or prohibit the
10 sale, purchase, transfer, manufacture, or display of firearms,
11 firearm accessories, or ammunition otherwise lawful under the
12 laws of this state, which is in conflict with this section, is
13 void.

14 *e.* A political subdivision from adopting or enforcing rules
15 of operation and use for any shooting range owned or operated
16 by the political subdivision.

17 *f.* A political subdivision that sponsors or conducts any
18 firearm-related competition or educational or cultural program
19 from adopting rules for participation in or attendance at such
20 a program.

21 6. A political subdivision or employee or agent of a
22 political subdivision that violates the state's occupation of
23 the whole field of regulation of firearms, firearm accessories,
24 and ammunition, as declared in this section, by adopting or
25 enforcing an ordinance, measure, enactment, rule, resolution,
26 motion, or policy impacting such occupation of the field shall
27 be liable as provided in this section.

28 *a.* If a political subdivision violates this subsection,
29 the court shall declare the ordinance, measure, enactment,
30 rule, resolution, motion, or policy void and issue a permanent
31 injunction against the political subdivision prohibiting
32 enforcement of such ordinance, measure, enactment, rule,
33 resolution, motion, or policy. It is not a defense that the
34 political subdivision was acting in good faith or upon the
35 advice of counsel.



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1 *b.* If the court determines that a violation of this
2 subsection was knowing and willful, the court shall assess
3 a civil penalty of up to five thousand dollars against the
4 elected or appointed local government official or employee or
5 agent of an administrative agency under whose jurisdiction the
6 violation occurred.

7 *c.* Except as required by applicable law, public funds shall
8 not be used to defend or reimburse a person found to have
9 knowingly and willfully violated this subsection.

10 *d.* A knowing and willful violation of a provision of this
11 subsection by a person acting in an official capacity for any
12 entity adopting or enforcing an ordinance, measure, enactment,
13 rule, resolution, motion, or policy prohibited under this
14 subsection shall be cause for termination or removal pursuant
15 to chapter 66.

16 7. A person adversely affected by an ordinance, measure,
17 enactment, rule, resolution, motion, or policy adopted or
18 enforced in violation of this section may file suit in the
19 appropriate court for declarative and injunctive relief and for
20 damages. A court shall award the prevailing plaintiff in any
21 such suit all of the following:

22 *a.* Reasonable attorney fees and costs.

23 *b.* The greater of actual damages or liquidated damages
24 equal to the amount of three times the attorney fees awarded
25 in paragraph "a".

26 Sec. 2. APPLICABILITY. This Act applies to any ordinance,
27 measure, enactment, rule, resolution, motion, or policy adopted
28 by a political subdivision of this state or to official actions
29 taken by an employee or agent of such political subdivision,
30 on or after the effective date of this Act. However, the
31 penalties and remedies prescribed under section 1, subsection
32 6, of this Act shall first be imposed ninety days after the
33 effective date of this Act to provide political subdivisions an
34 opportunity to comply with the provisions of this Act.

35

EXPLANATION

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1 Current Code section 724.28 prohibits a political
2 subdivision of the state from enacting an ordinance
3 restricting the ownership, possession, legal transfer, lawful
4 transportation, registration, or licensing of firearms when the
5 ownership, possession, transfer, or transportation is otherwise
6 lawful under state law.

7 This bill strikes this Code section and provides that the
8 regulation of firearms, firearm accessories, and ammunition
9 is declared to be the exclusive domain of the state. The
10 bill provides that an ordinance, measure, enactment, rule,
11 resolution, motion, or policy of a political subdivision of
12 this state, or an official action of an employee or agent of
13 such political subdivision, including through any legislative,
14 police power, or proprietary capacity, in violation of the bill
15 is void.

16 The bill shall not be construed to prevent a law enforcement
17 agency of a political subdivision from adopting and enforcing
18 rules pertaining to firearms, firearm accessories, or
19 ammunition issued to or used by peace officers in the course
20 of their official duties; an employer from regulating or
21 prohibiting an employee from carrying or possessing firearms,
22 firearm accessories, or ammunition during and in the course
23 of the employee's official duties; a court or administrative
24 law judge from hearing and resolving a case or controversy or
25 issuing an opinion or order on a matter within the court's or
26 the judge's jurisdiction; enacting or enforcing a generally
27 applicable zoning or business ordinance that includes firearms
28 businesses along with other businesses, provided that an
29 ordinance which is designed or enforced to effectively restrict
30 or prohibit the sale, purchase, transfer, manufacture, or
31 display of firearms, firearm accessories, or ammunition
32 otherwise lawful under the laws of this state, which is in
33 conflict with the bill, is void; a political subdivision
34 from adopting or enforcing rules of operation and use for a
35 shooting range owned or operated by the political subdivision;

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1 and a political subdivision that sponsors or conducts any
2 firearm-related competition or educational or cultural program
3 from adopting rules of attendance for such a program.

4 The bill provides that if a political subdivision violates
5 the bill, the court shall declare the ordinance, measure,
6 enactment, rule, resolution, motion, or policy void and issue
7 a permanent injunction against the political subdivision
8 prohibiting enforcement of such ordinance, measure, enactment,
9 rule, resolution, motion, or policy. It is not a defense that
10 the political subdivision was acting in good faith or upon the
11 advice of counsel. The court shall assess a civil penalty of
12 up to \$5,000 against the elected or appointed local government
13 official or employee or agent of an administrative agency
14 under whose jurisdiction the violation occurred if a violation
15 was knowing and willful. In addition, knowing and willful
16 violations by a person acting in an official capacity shall be
17 cause for termination or removal.

18 The bill provides that a person adversely affected by an
19 ordinance, measure, enactment, rule, resolution, motion, or
20 policy adopted or enforced in violation of the bill may file
21 suit in the appropriate court for declarative and injunctive
22 relief and for damages and may, if successful, be awarded
23 reasonable attorney fees and costs and the greater of actual
24 damages or liquidated damages equal to the amount of three
25 times the attorney fees awarded.

26 The bill applies to any ordinance, measure, enactment,
27 rule, resolution, motion, or policy adopted by a political
28 subdivision of this state or to official actions taken by any
29 employee or agent of such political subdivision, on or after
30 the effective date of the bill. The penalties and remedies of
31 the bill shall first be imposed 90 days after the effective
32 date of the bill.



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House File 2115 - Introduced

HOUSE FILE 2115

BY WINDSCHITL, BRANDENBURG,
DEYOE, J. TAYLOR,
VANDER LINDEN, HELLAND,
CHAMBERS, ALONS, FRY,
WAGNER, KAUFMANN, WATTS,
SWEENEY, RASMUSSEN,
HUSEMAN, HAGENOW, DE BOEF,
ROGERS, SODERBERG, MASSIE,
GRASSLEY, PEARSON, and
PETTENGILL

A BILL FOR

1 An Act relating to the carrying of dangerous weapons and
2 providing a penalty and a fee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 724.7, Code Supplement 2011, is amended
2 to read as follows:

3 **724.7 Nonprofessional permit to carry weapons.**

4 1. Any person who is not disqualified under section 724.8,
5 who satisfies the training requirements of section 724.9, and
6 who files an application in accordance with section 724.10
7 shall be issued a nonprofessional permit to carry weapons.
8 Such permits shall ~~be on a form~~ have a uniform appearance,
9 size, and content prescribed and published by the commissioner
10 of public safety, which shall be readily distinguishable from
11 the professional permit, and shall identify the holder of
12 the permit, but shall not contain the permit holder's social
13 security number. The permit may be laminated by the issuing
14 officer or permit holder. Such permits shall not be issued for
15 a particular weapon and shall not contain information about a
16 particular weapon including the make, model, or serial number
17 of the weapon or any ammunition used in that weapon. All
18 permits so issued shall be for a period of five years ~~and shall~~
19 ~~be valid throughout the state except where the possession or~~
20 ~~carrying of a firearm is prohibited by state or federal law~~
21 except as provided in subsection 2.

22 2. The commissioner of public safety shall develop a process
23 to allow service members deployed for military service to
24 submit a renewal of a nonprofessional permit to carry weapons
25 early and by mail. In addition, a permit issued to a service
26 member who is deployed for military service, as defined in
27 section 29A.1, subsection 3, 11, or 12, that would otherwise
28 expire during the period of deployment shall remain valid for
29 ninety days after the end of the service member's deployment.

30 3. Notwithstanding section 321G.13, subsection 2, section
31 321I.14, subsection 2, sections 461A.42 and 481A.7, section
32 481A.93, subsection 1, any rules adopted pursuant to chapter
33 173 or 481A, or any ordinance, motion, or resolution passed by
34 a political subdivision of this state, a permit issued under
35 this section or recognized under section 724.11A shall be valid

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1 throughout the state. This subsection shall not be construed
2 to authorize the carrying of a weapon where prohibited by
3 federal law or to authorize the taking of a game animal or the
4 discharge of a weapon in violation of any law of this state,
5 except where justified in accordance with the provisions of
6 chapter 704.

7 Sec. 2. Section 724.8, Code 2011, is amended by striking the
8 section and inserting in lieu thereof the following:

9 **724.8 Persons ineligible for permit to carry weapons.**

10 A professional or nonprofessional permit to carry weapons
11 shall not be issued to a person who is subject to any of the
12 following:

13 1. Is less than eighteen years of age for a professional
14 permit or less than twenty-one years of age for a
15 nonprofessional permit.

16 2. Is prohibited by section 724.26 or federal law from
17 possessing, shipping, transporting, or receiving a firearm.

18 3. Is prohibited by court order from possessing, shipping,
19 transporting, or receiving a firearm.

20 Sec. 3. Section 724.9, subsection 1, Code 2011, is amended
21 by adding the following new paragraphs:

22 NEW PARAGRAPH. f. Holding or having previously held a
23 license or permit to carry a firearm in any state or a locality
24 thereof, unless such license or permit has been suspended or
25 revoked for cause.

26 NEW PARAGRAPH. g. Completion of a hunter education or
27 hunter safety course approved by the department of natural
28 resources or a similar agency of another state.

29 NEW PARAGRAPH. h. Completion of any firearms training or
30 safety course or class, including an electronic, video, or
31 internet course, conducted by a state certified or national
32 rifle association certified firearms instructor.

33 Sec. 4. Section 724.9, subsection 2, Code 2011, is amended
34 by adding the following new paragraph:

35 NEW PARAGRAPH. d. A currently valid or expired license or

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1 permit to carry a firearm, issued by any state or a locality
2 thereof, except one that has been suspended or revoked for
3 cause.

4 Sec. 5. Section 724.10, subsections 1 and 2, Code 2011, are
5 amended to read as follows:

6 1. A person shall not be issued a permit to carry weapons
7 unless the person has completed and signed an application on
8 a form to be prescribed and published by the commissioner of
9 public safety.

10 a. The If an applicant is a United States citizen, the
11 application shall require only the full name, driver's license
12 or nonoperator's identification card number, residence, place
13 of birth, and date of birth of the applicant.

14 b. If the applicant is not a United States citizen, the
15 application shall, in addition to the information specified in
16 paragraph "a", require the applicant's country of citizenship,
17 any alien or admission number issued by the United States
18 immigration and customs enforcement, and, if applicable, the
19 basis for any exception claimed pursuant to 18 U.S.C. § 922(y).

20 c. and shall state An applicant shall be required to state
21 whether the applicant meets the criteria specified in sections
22 724.8 and 724.9. An applicant may provide the applicant's
23 social security number if the applicant so chooses. The
24 applicant shall also display an identification card that bears
25 a distinguishing number assigned to the cardholder, the full
26 name, date of birth, sex, residence address, and a brief
27 description and colored photograph of the cardholder.

28 2. The issuing officer, upon receipt of an initial or
29 renewal application under this section, shall immediately
30 conduct a background check concerning each applicant by
31 obtaining criminal history data from the department of public
32 safety which shall include an inquiry of the national instant
33 criminal background system maintained by the federal bureau
34 of investigation or any successor agency and an immigration
35 alien query through a database maintained by the United States



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1 immigration and customs enforcement or any successor agency if
2 the applicant is not a United States citizen.

3 Sec. 6. Section 724.11, Code 2011, is amended to read as
4 follows:

5 **724.11 Issuance of permit to carry weapons.**

6 1. Applications for permits to carry weapons shall be made
7 to the sheriff of the county in which the applicant resides.
8 Applications for professional permits to carry weapons for
9 persons who are nonresidents of the state, or whose need to go
10 armed arises out of employment by the state, shall be made to
11 the commissioner of public safety. In either case, the sheriff
12 or commissioner, before issuing the permit, shall determine
13 that the applicable requirements of sections 724.6 to 724.10
14 have been satisfied, except that the training requirements of
15 section 724.9 shall not apply to a renewal application for a
16 nonprofessional permit to carry weapons. However, for renewal
17 of a permit the training program requirements in section 724.9,
18 subsection 1, shall apply or the renewal applicant may choose
19 to qualify on a firing range under the supervision of an
20 instructor certified by the national rifle association or the
21 department of public safety or another state's department of
22 public safety, state police department, or similar certifying
23 body. Such training or qualification must occur within the
24 twelve-month period prior to the expiration of the applicant's
25 current permit.

26 2. Neither the sheriff nor the commissioner shall
27 require an applicant for a permit to carry weapons to provide
28 information identifying a particular weapon in the application
29 including the make, model, or serial number of the weapon or
30 any ammunition used in that particular weapon, or otherwise
31 impose additional conditions, limitations, or requirements not
32 expressly provided for in this chapter on the application for
33 or issuance, scope, effect, or content of a nonprofessional
34 permit to carry weapons.

35 3. a. The issuing officer shall collect a fee of

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1 fifty dollars, ~~except from a duly appointed peace officer~~
2 ~~or correctional officer~~, for each nonprofessional permit
3 issued. ~~Renewal permits or duplicate~~ Nonprofessional renewal
4 permits shall be issued for a fee of twenty-five dollars and
5 nonprofessional duplicate permits shall be issued for a fee of
6 ten dollars, provided the application for each such renewal
7 permit is received by the issuing officer at least thirty days
8 prior to the expiration of the applicant's current permit.
9 b. The issuing officer shall collect a fee of ten dollars
10 for the issuance, renewal, or duplication of a professional
11 permit.
12 c. The issuing officer shall notify the commissioner of
13 public safety of the issuance of any permit at least monthly
14 and forward to the commissioner an amount equal to ten dollars
15 for each permit issued and five dollars for each renewal
16 or duplicate permit issued. All such fees received by the
17 commissioner shall be paid to the treasurer of state and
18 deposited in the operating account of the department of public
19 safety to offset the cost of administering this chapter.
20 Notwithstanding section 8.33, any unspent balance as of June 30
21 of each year shall not revert to the general fund of the state,
22 but shall be maintained in a separate fund for the sole purpose
23 of administering this chapter.
24 4. The sheriff or commissioner of public safety shall
25 approve or deny an initial or renewal application submitted
26 under this section within ~~thirty~~ seven days of receipt of the
27 application. A person whose application for a permit under
28 this chapter is denied may seek review of the denial under
29 section 724.21A. ~~The failure to approve or deny an initial~~
30 ~~or renewal application shall result in a decision of approval~~
31 If the issuing officer has not received any disqualifying
32 information within the requisite seven-day period, the issuing
33 officer shall approve the application. An issuing officer who
34 refuses to accept or act upon an application filed under this
35 chapter shall be subject to removal from office pursuant to

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1 section 66.1A.

2 Sec. 7. Section 724.11A, Code 2011, is amended to read as
3 follows:

4 **724.11A Recognition and reciprocity.**

5 1. A valid permit or license issued by another state to
6 any nonresident of this state shall be considered to be a
7 valid permit or license to carry weapons issued pursuant to
8 this chapter, except that such permit or license shall not be
9 considered to be a substitute for an annual permit to acquire
10 pistols or revolvers issued pursuant to section 724.15.

11 2. At least annually, the department of public safety shall
12 seek a reciprocal recognition agreement with any state that
13 does not recognize a nonprofessional permit to carry weapons
14 issued in this state. The department of public safety shall
15 have the authority to enter into such agreements.

16 Sec. 8. Section 724.21A, subsection 5, Code 2011, is amended
17 to read as follows:

18 5. The standard of review under this section shall be
19 ~~clear and convincing evidence~~ that the issuing officer's
20 written statement of the reasons for the denial, suspension, or
21 revocation constituted ~~probable cause to deny an application~~
22 ~~or to suspend or revoke a permit~~ clear and convincing evidence
23 that, as of the date of the adverse decision, the applicant or
24 permittee was ineligible for a permit to carry weapons under
25 the applicable standards set forth in this chapter, subject
26 to prosecution or any other proceeding that could result in
27 the applicant or permittee becoming ineligible for a permit
28 to carry weapons, or provided materially false information or
29 documentation in conjunction with the permit application.

30 Sec. 9. Section 724.23, Code 2011, is amended to read as
31 follows:

32 **724.23 Records kept by commissioner.**

33 1. The commissioner of public safety shall maintain a
34 permanent record of all valid permits to carry weapons and of
35 current permit revocations.



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1 2. a. Notwithstanding any other law or rule to the
2 contrary, an issuing officer shall keep confidential
3 information that would personally identify applicants for or
4 holders of nonprofessional permits to carry weapons, including
5 but not limited to the name, social security number, date of
6 birth, driver's license or other identification number, and
7 residential or business address of the applicant or permit
8 holder.

9 b. This subsection shall not prohibit the release of any of
10 the following:

11 (1) Numerical statistics pertaining to the issuance,
12 denial, revocation, or administration of applicants for or
13 holders of nonprofessional permits, provided that the release
14 of such information does not reveal the identity of any
15 individual permit holder.

16 (2) The release of information to any law enforcement
17 agency, or an employee or agent thereof, when necessary for an
18 investigation of a possible violation of law or for conducting
19 a lawfully authorized background investigation.

20 Sec. 10. Section 724.25, subsection 1, Code 2011, is amended
21 to read as follows:

22 1. As used in section 724.26, the word "*felony*" means
23 any offense punishable in the jurisdiction where it occurred
24 by imprisonment for a term exceeding one year, but does not
25 include any offense, ~~other than an offense involving a firearm~~
26 ~~or explosive~~, classified as a misdemeanor under the laws of the
27 state and punishable by a term of imprisonment of two years or
28 less.

29 EXPLANATION

30 This bill relates to the carrying of dangerous weapons and
31 provides a penalty and a fee.

32 I. PERMIT TO CARRY WEAPONS.

33 A. VALIDITY. The bill provides that nonprofessional
34 permits to carry weapons shall have a uniform appearance, size,
35 and content, but shall not contain the permit holder's social

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1 security number. Such permits may be laminated by either the
2 issuing officer or the permit holder.

3 Current law provides that nonprofessional permits to carry
4 weapons are valid throughout the state. The bill provides
5 for such permits' validity throughout the state and overrides
6 contrary provisions in the Code relating to the operation
7 of a snowmobile or an all-terrain vehicle with a firearm,
8 certain hunting provisions relating to wildlife conservation,
9 the use of firearms, explosives, and weapons in state parks
10 and preserves, rules adopted by the state fair board and the
11 department of natural resources, or any ordinance, motion, or
12 resolution passed by a political subdivision of this state.
13 The bill specifies that Code provisions relating to the
14 validity of nonprofessional permits to carry weapons throughout
15 the state, as well as out-of-state permits to carry weapons
16 recognized under Iowa's permit recognition statute, shall not
17 be construed to authorize the carrying of weapons prohibited
18 under federal law or to authorize the taking of game animals
19 or the discharge of weapons except where justified under Code
20 chapter 704 (use of reasonable or deadly force).

21 B. ISSUANCE — DISQUALIFIERS. Current law prohibits
22 certain persons from obtaining either a professional or
23 nonprofessional permit to carry weapons including a person who
24 is addicted to alcohol, a person who is likely to use a weapon
25 unlawfully in such a manner as would endanger the person's
26 self or others, and a person who has, within the previous
27 three years, been convicted of certain assaults not involving
28 the use of a firearm or explosive. The bill eliminates such
29 disqualifiers, maintains the age restrictions, and further
30 specifies that a person who is prohibited by Code section
31 724.26 (felon in possession of a firearm), federal law, or who
32 is the subject of a court order from possessing, shipping,
33 transporting, or receiving a firearm, is ineligible for a
34 permit to carry weapons.

35 C. FIREARMS TRAINING. The bill expands current law relating

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1 to firearm training qualification requirements for a person
2 who applies for a permit to carry weapons to include a current
3 or previously held license or permit to carry a firearm in
4 any state or locality, completion of any firearms training or
5 safety course or class, including an electronic, video, or
6 internet course, conducted by a state certified or national
7 rifle association certified firearms instructor, or completion
8 of a hunter education or hunter safety course approved by the
9 department of natural resources or a similar agency of another
10 state. The bill also includes a current or expired license or
11 permit to carry firearms, issued by any state or a locality, as
12 acceptable evidence of firearms training. The bill provides
13 that the firearm training requirements shall not apply to a
14 renewal application for a nonprofessional permit to carry
15 weapons.

16 D. APPLICANT INFORMATION — ALIENS. The bill provides that
17 a sheriff shall not require an applicant for a nonprofessional
18 permit to carry weapons who is a United States citizen to
19 provide any information, documentation, or evidence of identity
20 beyond what is required under current law. An applicant who is
21 not a United States citizen shall be subject to an immigration
22 alien query through a database maintained by the United States
23 immigration and customs enforcement and shall also provide
24 additional information as well as the basis for any exception
25 claimed under the provisions of 18 U.S.C. § 922(y).

26 E. ISSUANCE FEES. The bill specifies that the current
27 \$50 issuance fee for permits to carry weapons applies to
28 nonprofessional permits and that the current \$25 issuance
29 fee for renewal permits to carry weapons also applies to
30 nonprofessional permits. Nonprofessional duplicate permits
31 shall be issued for a \$10 fee. The bill provides that the fee
32 for the issuance, renewal, or duplication of a professional
33 permit to carry weapons shall be \$10. The bill provides that
34 any unspent balance as of June 30 of each year shall not revert
35 to the general fund of the state, but shall be maintained in a

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1 separate fund to be used for the administration of Code chapter
2 724.

3 F. PERMIT ISSUANCE — APPROVAL-DENIAL. The bill amends
4 current law requiring the issuing officer to approve or
5 deny an initial or renewal application for a permit to carry
6 weapons from within 30 days of receipt of an application to
7 require approval or denial within seven days of receipt of an
8 application, and to require the issuing officer to approve the
9 application in the absence of any disqualifying information
10 received within the requisite seven-day period. An issuing
11 officer who refuses to accept or act upon an application shall
12 be subject to removal from office pursuant to Code chapter 66.

13 G. RECOGNITION AND RECIPROCITY. The bill provides that
14 at least annually, the department of public safety shall seek
15 a reciprocal recognition agreement with any state that does
16 not recognize a nonprofessional permit to carry weapons issued
17 in this state. The bill authorizes the department of public
18 safety to enter into such agreements.

19 H. CONFIDENTIAL INFORMATION. The bill provides that
20 an issuing officer shall keep confidential information
21 that would personally identify applicants for or holders
22 of nonprofessional permits to carry weapons, including but
23 not limited to the applicant's or permit holder's name,
24 social security number, date of birth, driver's license or
25 other identification number, and residential or business
26 address. The bill does not prohibit the release of numerical
27 statistics pertaining to the issuance, denial, revocation, or
28 administration of applicants for or holders of nonprofessional
29 permits, provided that the release of such information does
30 not reveal the identity of any individual permit holder, nor
31 does the bill prohibit the release of information to any
32 law enforcement agency, or an employee or agent thereof,
33 when necessary for an investigation of a possible violation
34 of law or for conducting a lawfully authorized background
35 investigation.

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1 II. DENIAL, SUSPENSION, REVOCATION — PERMIT TO CARRY —
2 PERMIT TO ACQUIRE. The bill provides that, in a case where
3 an issuing officer denies, suspends, or revokes a permit to
4 carry weapons or a permit to acquire pistols or revolvers, the
5 clear and convincing evidence standard of review must show
6 that, as of the date of the adverse decision, the applicant or
7 permittee was ineligible for a permit to carry weapons, subject
8 to prosecution or any other proceeding that could result in
9 the applicant or permittee becoming ineligible for a permit
10 to carry weapons, or provided materially false information or
11 documentation in conjunction with the permit application.
12 III. FELON IN POSSESSION OF A FIREARM — DEFINITION.
13 Current Code section 724.25 defines a "felony" for purposes of
14 the crime of felon in possession of a firearm (Code section
15 724.26) to include persons who commit an aggravated misdemeanor
16 by use of a firearm, as well as felons. The bill amends Code
17 section 724.25 to exclude persons who commit an aggravated
18 misdemeanor by use of a firearm for purposes of Code section
19 724.26.



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House File 2116 - Introduced

HOUSE FILE 2116
BY ALONS

A BILL FOR

1 An Act providing for an optional permit to acquire pistols or
2 revolvers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5123YH (3) 84
rh/rj



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H.F. 2116

1 Section 1. Section 724.15, subsection 1, unnumbered
2 paragraph 1, Code 2011, is amended to read as follows:
3 Any person who desires to acquire ownership of any pistol or
4 revolver ~~shall first~~ shall not be required to obtain an annual
5 permit but may choose to apply for an annual permit. An annual
6 permit shall be issued upon request to any resident of this
7 state unless the person is subject to any of the following:
8 Sec. 2. Section 724.15, subsection 2, Code 2011, is amended
9 by striking the subsection.
10 Sec. 3. Section 724.17, Code 2011, is amended to read as
11 follows:
12 **724.17 Application for annual permit to acquire — criminal**
13 **history check required.**
14 The If a person chooses to apply for an annual permit to
15 acquire pistols or revolvers pursuant to section 724.15,
16 the application for an annual permit to acquire pistols or
17 revolvers may be made to the sheriff of the county of the
18 applicant's residence and shall be on a form prescribed
19 and published by the commissioner of public safety. The
20 application shall require only the full name of the applicant,
21 the driver's license or nonoperator's identification card
22 number of the applicant, the residence of the applicant,
23 and the date and place of birth of the applicant. The
24 applicant shall also display an identification card that
25 bears a distinguishing number assigned to the cardholder, the
26 full name, date of birth, sex, residence address, and brief
27 description and colored photograph of the cardholder, or other
28 identification as specified by rule of the department of public
29 safety. The sheriff shall conduct a criminal history check
30 concerning each applicant by obtaining criminal history data
31 from the department of public safety which shall include an
32 inquiry of the national instant criminal background system
33 maintained by the federal bureau of investigation or any
34 successor agency. A person who makes what the person knows
35 to be a false statement of material fact on an application

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1 submitted under this section or who submits what the person
2 knows to be any materially falsified or forged documentation in
3 connection with such an application commits a class "D" felony.

4 Sec. 4. Section 724.18, Code 2011, is amended to read as
5 follows:

6 **724.18 Procedure for making application for annual permit to**
7 **acquire.**

8 A person who chooses to apply for an annual permit to acquire
9 pistols or revolvers may personally request the sheriff to mail
10 an application for ~~an annual~~ the permit to ~~acquire pistols~~
11 ~~or revolvers~~, and the sheriff shall immediately forward to
12 such person an application for an annual permit to acquire
13 pistols or revolvers. A person shall upon completion of the
14 application personally deliver such application to the sheriff
15 who shall note the period of validity on the application and
16 shall immediately issue the annual permit to acquire pistols or
17 revolvers to the applicant. For the purposes of this section
18 the date of application shall be the date on which the sheriff
19 received the completed application.

20 Sec. 5. REPEAL. Section 724.16, Code 2011, is repealed.

21 EXPLANATION

22 Current law requires a person who desires to purchase a
23 pistol or revolver to first obtain an annual permit to acquire
24 a pistol or revolver from the sheriff of the county where the
25 person resides. An applicant who is not otherwise exempt
26 from this requirement must meet certain minimum application
27 requirements and must pass a criminal history background check.

28 The bill eliminates the requirement that a person must
29 obtain an annual permit to acquire a pistol or revolver, but
30 instead makes it optional for a person who chooses to apply for
31 such a permit, subject to the same application requirements.

32 The bill makes a conforming repeal to Code section 724.16,
33 relating to transfer penalties.

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House File 2117 - Introduced

HOUSE FILE 2117
BY BALTIMORE

A BILL FOR

1 An Act concerning the definition of wages for purposes of the
2 Iowa public employees' retirement system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5351YH (4) 84
ec/sc



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H.F. 2117

1 Section 1. Section 97B.1A, subsection 26, paragraph a,
2 subparagraph (1), subparagraph division (c), Code Supplement
3 2011, is amended to read as follows:

4 (c) For an elected official, other than a member of the
5 general assembly, the total compensation received by the
6 elected official, ~~whether paid in the form of per diem or~~
7 ~~annual salary,~~ exclusive of expense, per diem, and travel
8 allowances.

9 Sec. 2. Section 97B.1A, subsection 26, paragraph a,
10 subparagraph (1), subparagraph division (d), Code Supplement
11 2011, is amended to read as follows:

12 (d) For a member of the general assembly, the total
13 compensation received by a member of the general assembly,
14 ~~whether paid in the form of per diem or annual salary,~~
15 exclusive of expense ~~expenses,~~ per diem, and ~~travel~~ allowances
16 paid to a member of the general assembly ~~except as otherwise~~
17 ~~provided in this subparagraph division. Wages includes per~~
18 ~~diem payments paid to members of the general assembly during~~
19 ~~interim periods between sessions of the general assembly.~~
20 ~~Wages also includes daily allowances to members of the general~~
21 ~~assembly for nontravel expenses of office during a session of~~
22 ~~the general assembly, but does not include the portion of the~~
23 ~~daily allowance which exceeds the maximum established by law~~
24 ~~for members from Polk county.~~

25 Sec. 3. Section 97B.1A, subsection 26, paragraph a,
26 subparagraph (2), subparagraph divisions (h) and (i), Code
27 Supplement 2011, are amended to read as follows:

28 (h) Reimbursements of employee business expenses ~~except for~~
29 ~~those expenses included as wages for a member of the general~~
30 ~~assembly.~~

31 (i) Payments for allowances ~~except for those allowances~~
32 ~~included as wages for a member of the general assembly.~~

33 EXPLANATION

34 This bill amends Code section 97B.1A(26), concerning the
35 definition of wages for purposes of the Iowa public employees'

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1 retirement system (IPERS) for elected officials and members of
2 the general assembly. The bill provides that per diem payments
3 to elected officials and members of the general assembly and
4 daily allowance paid to members of the general assembly are not
5 considered wages for purposes of IPERS.



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House File 2118 - Introduced

HOUSE FILE 2118
BY J. TAYLOR

A BILL FOR

1 An Act concerning health and pension benefits for members and
2 full-time employees of the general assembly.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5091YH (3) 84
ec/sc



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H.F. 2118

1 Section 1. Section 2.40, subsection 1, paragraph a,
2 subparagraph (2), Code 2011, is amended to read as follows:
3 (2) The member shall pay the premium for the plan selected
4 on the same basis as a full-time state employee excluded from
5 collective bargaining as provided in chapter 20. However, the
6 member shall pay a portion of the total premium for the plan
7 selected in an amount as determined by the legislative council.
8 The payment amount as determined by the legislative council
9 shall be at least one hundred dollars per month.

10 Sec. 2. Section 2.40, Code 2011, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3. A full-time employee of the general
13 assembly who elects to become a member of a state group
14 insurance plan for employees of the state established under
15 chapter 509A shall pay a portion of the total premium for the
16 plan selected in an amount as determined by the legislative
17 council. The payment amount as determined by the legislative
18 council shall be at least one hundred dollars per month.

19 Sec. 3. Section 97B.1A, subsection 26, paragraph a,
20 subparagraph (1), subparagraph division (d), Code Supplement
21 2011, is amended to read as follows:

22 (d) For a member of the general assembly, the total
23 compensation received by a member of the general assembly,
24 ~~whether paid in the form of per diem or annual salary,~~
25 exclusive of expense expenses, per diem, and travel allowances
26 paid to a member of the general assembly except as otherwise
27 provided in this subparagraph division. Wages includes per
28 diem payments paid to members of the general assembly during
29 interim periods between sessions of the general assembly.
30 ~~Wages also includes daily allowances to members of the general~~
31 ~~assembly for nontravel expenses of office during a session of~~
32 ~~the general assembly, but does not include the portion of the~~
33 ~~daily allowance which exceeds the maximum established by law~~
34 ~~for members from Polk county.~~

35 Sec. 4. Section 97B.1A, subsection 26, paragraph a,

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H.F. 2118

1 subparagraph (2), subparagraph divisions (h) and (i), Code
2 Supplement 2011, are amended to read as follows:
3 (h) Reimbursements of employee business expenses ~~except for~~
4 ~~those expenses included as wages for a member of the general~~
5 ~~assembly.~~

6 (i) Payments for allowances ~~except for those allowances~~
7 ~~included as wages for a member of the general assembly.~~

8 EXPLANATION

9 This bill concerns the health and pension benefits provided
10 for members and full-time employees of the general assembly.

11 Code section 2.40, concerning membership in state insurance
12 plans relative to members and employees of the general
13 assembly, is amended to provide that if members or full-time
14 employees of the general assembly elect coverage in the state
15 group health plan, members and employees shall pay a portion of
16 the total premium for the plan selected in an amount determined
17 by the legislative council. The bill provides that the amount
18 determined by the legislative council shall be at least \$100
19 per month.

20 Code section 97B.1A(26), concerning the definition of wages
21 for purposes of the Iowa public employees' retirement system
22 (IPERS), is amended to provide that per diem payments and daily
23 allowance paid to members of the general assembly are not
24 considered wages for purposes of IPERS.



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House File 2119 - Introduced

HOUSE FILE 2119
BY LUKAN

A BILL FOR

1 An Act concerning allowable prizes at annual game nights
2 conducted by religious organizations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5714YH (2) 84
ec/nh



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H.F. 2119

1 Section 1. Section 99B.8, subsection 6, paragraph b, Code
2 2011, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (4) A qualified organization that is a
4 religious organization.

5 EXPLANATION

6 Code section 99B.8, concerning annual game nights, is
7 amended to allow qualified organizations that are religious
8 organizations to award cash or merchandise prizes of up to
9 a total of \$10,000 with no more than \$5,000 awarded to any
10 participant.



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House File 2120 - Introduced

HOUSE FILE 2120
BY HUNTER

A BILL FOR

1 An Act relating to requirements for instruction permits and
2 driver's licenses issued to persons under eighteen years of
3 age.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5603YH (2) 84
dea/nh



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H.F. 2120

1 Section 1. Section 321.178, subsection 1, paragraph d, Code
2 Supplement 2011, is amended to read as follows:

3 *d. "Student",* for purposes of this section, means a person
4 between the ages of ~~fourteen~~ sixteen years and twenty-one years
5 who satisfies the preliminary licensing requirements of the
6 department.

7 Sec. 2. Section 321.180B, subsection 1, paragraph a, Code
8 Supplement 2011, is amended to read as follows:

9 *a.* The department may issue an instruction permit to an
10 applicant between the ages of ~~fourteen~~ sixteen and eighteen
11 years if the applicant meets the requirements of sections
12 321.184 and 321.186, other than a driving demonstration, and
13 pays the required fee. An instruction permit issued under
14 this section shall be valid for a period not to exceed four
15 years from the licensee's birthday anniversary in the year of
16 issuance. A motorcycle instruction permit issued under this
17 section is not renewable.

18 Sec. 3. Section 321.180B, subsection 2, paragraph a, Code
19 Supplement 2011, is amended to read as follows:

20 *a.* The department may issue an intermediate driver's
21 license to a person sixteen or seventeen years of age who
22 possesses an instruction permit issued under subsection 1 or
23 a comparable instruction permit issued by another state for a
24 minimum of six months immediately preceding application, and
25 who presents an affidavit signed by a parent, guardian, or
26 custodian on a form to be provided by the department that the
27 permittee has accumulated a total of twenty hours of street
28 or highway driving of which two hours were conducted after
29 sunset and before sunrise and the street or highway driving was
30 with the permittee's parent, guardian, custodian, instructor,
31 a person certified by the department, or a person at least
32 twenty-five years of age who had written permission from a
33 parent, guardian, or custodian to accompany the permittee, and
34 whose driving privileges have not been suspended, revoked,
35 or barred under this chapter or chapter 321J during, and who

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1 has been accident and violation free continuously for, the
2 six-month period immediately preceding the application for an
3 intermediate license. An applicant for an intermediate license
4 must meet the requirements of section 321.186, including
5 satisfactory completion of driver education as required in
6 section 321.178, and payment of the required license fee
7 before an intermediate license will be issued. A person
8 issued an intermediate license ~~must~~ shall limit the number of
9 passengers in the motor vehicle when the intermediate licensee
10 is operating the motor vehicle to the number of passenger
11 safety belts. A person issued an intermediate license shall
12 not transport more than one passenger under twenty-one years
13 of age, other than a person who is a member of the licensee's
14 immediate family, in a motor vehicle unless accompanied by a
15 person over twenty-one years of age who has a driver's license
16 valid for the vehicle operated.

17 Sec. 4. Section 321.180B, subsection 3, Code Supplement
18 2011, is amended to read as follows:

19 3. *Remedial driver improvement action — suspension of*
20 *permit, ~~or intermediate license, or full license.~~*

21 a. A person who has been issued an instruction permit,
22 ~~or an intermediate license, or a full driver's license~~ under
23 this section, upon conviction of a moving traffic violation
24 or involvement in a motor vehicle accident which occurred
25 during the term of the instruction permit or intermediate
26 license, shall be subject to remedial driver improvement action
27 or suspension of the permit or current license. A person
28 possessing an instruction permit who has been convicted of a
29 moving traffic violation or has been involved in an accident
30 shall not be issued an intermediate license until the person
31 has completed the remedial driver improvement action and
32 has been accident and violation free continuously for the
33 six-month period immediately preceding the application for the
34 intermediate license. ~~A person possessing an intermediate~~
35 ~~license who has been convicted of a moving traffic violation~~

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~~1 or has been involved in an accident shall not be issued a full
2 driver's license until the person has completed the remedial
3 driver improvement action and has been accident and violation
4 free continuously for the twelve-month period immediately
5 preceding the application for a full driver's license.~~

6 b. The department may suspend an instruction permit, or
7 intermediate license, ~~or full license~~ issued under this section
8 upon receiving satisfactory evidence that the person issued the
9 instruction permit, or intermediate license, ~~or full license~~
10 violated the restrictions imposed under subsection 1, 2, or
11 6 during the term of the instruction permit or intermediate
12 license.

13 Sec. 5. Section 321.180B, subsection 4, Code Supplement
14 2011, is amended by striking the subsection.

15 Sec. 6. Section 321.194, subsection 1, unnumbered paragraph
16 1, Code Supplement 2011, is amended to read as follows:

17 Upon certification of a special need by the school board,
18 superintendent of the applicant's school, or principal, if
19 authorized by the superintendent, the department may issue a
20 class C or M driver's license to a person between the ages of
21 ~~fourteen~~ sixteen and eighteen years whose driving privileges
22 have not been suspended, revoked, or barred under this chapter
23 or chapter 321J during, and who has not been convicted of
24 a moving traffic violation or involved in a motor vehicle
25 accident for, the six-month period immediately preceding
26 the application for the special minor's license and who has
27 successfully completed an approved driver education course.
28 However, the completion of a course is not required if the
29 applicant demonstrates to the satisfaction of the department
30 that completion of the course would impose a hardship upon the
31 applicant. The department shall adopt rules defining the term
32 "*hardship*" and establish procedures for the demonstration and
33 determination of when completion of the course would impose a
34 hardship upon an applicant.

35	EXPLANATION
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1 This bill raises the minimum age required for issuance of
2 an instruction permit to operate a motor vehicle from 14 to 16
3 years of age. Because an instruction permit is required for
4 a student to participate in driver education, the bill amends
5 the definition of "student", for purposes of driver education
6 provisions, to include persons between 16 and 21 years of age,
7 and the bill raises the minimum age for issuance of a special
8 minor's license to drive to and from school to 16 years of age.

9 Under current law, a person who has an intermediate driver's
10 license under the graduated driver licensing program must limit
11 the number of passengers in a motor vehicle operated by the
12 intermediate licensee to the number of passenger safety belts.
13 The bill imposes a further passenger restriction by prohibiting
14 an intermediate licensee from transporting more than one person
15 under 21 years of age, other than an immediate family member,
16 unless the intermediate licensee is accompanied by a licensed
17 driver over 21 years of age.

18 The bill eliminates the full driver's license currently
19 issued to a person 17 years of age who possesses an
20 intermediate license, has satisfied hours-of-driving
21 requirements, and has been accident and violation free for
22 12 months. Under the bill, a person would drive under an
23 intermediate license until attaining 18 years of age.



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House File 2121 - Introduced

HOUSE FILE 2121
BY ALONS, RASMUSSEN, DRAKE,
WATTS, PETTENGILL,
WINDSCHITL, L. MILLER,
DE BOEF, and HELLAND

A BILL FOR

1 An Act relating to the assessment of court costs when a
2 citation for driving without proof of financial liability
3 coverage is dismissed within twenty-four hours of issuance
4 of the citation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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H.F. 2121

1 Section 1. Section 321.20B, subsection 4, paragraph c, Code
2 2011, is amended to read as follows:

3 c. An owner or driver cited for a violation of subsection
4 1, who produces to the clerk of court prior to the date of the
5 person's court appearance as indicated on the citation proof
6 that financial liability coverage was in effect for the motor
7 vehicle at the time the person was stopped and cited, shall not
8 be convicted of such violation and the citation issued shall be
9 dismissed by the court. ~~Upon~~ If such proof is presented more
10 than twenty-four hours after issuance of the citation, upon
11 dismissal, the court or clerk of court shall assess the costs
12 of the action against the defendant named on the citation.

13 Sec. 2. Section 321.20B, subsection 5, paragraph b, Code
14 2011, is amended to read as follows:

15 b. Issue a citation. An owner or driver who produces
16 to the clerk of court prior to the date of the person's
17 court appearance as indicated on the citation proof that the
18 financial liability coverage was in effect for the motor
19 vehicle at the time the person was stopped and cited, or if
20 the driver is not the owner of the motor vehicle, proof that
21 liability coverage was in effect for the driver with respect
22 to the motor vehicle being driven at the time the driver was
23 stopped and cited in the same manner as if the motor vehicle
24 were owned by the driver, shall be given a receipt indicating
25 that proof was provided, and the citation issued shall be
26 dismissed by the court. ~~Upon~~ If such proof is presented more
27 than twenty-four hours after issuance of the citation, upon
28 dismissal, the court or clerk of court shall assess the costs
29 of the action against the defendant named on the citation.

30 EXPLANATION

31 Under current law, a person is prohibited from operating a
32 motor vehicle unless there is financial liability coverage in
33 effect for the vehicle and the person has in the vehicle the
34 proof of financial liability card issued for the vehicle or, if
35 the vehicle is registered in another state, other evidence that

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1 financial liability coverage is in effect for the vehicle. A
2 violation is a simple misdemeanor, punishable by a scheduled
3 fine of \$250. If the citation is issued in connection with
4 an accident, the scheduled fine is \$500. Prior to the date
5 of the person's scheduled court appearance, if the driver or
6 the owner of the vehicle produces to the clerk of court proof
7 that financial liability coverage was in effect for the motor
8 vehicle at the time the person was stopped and cited, the
9 citation is dismissed; however, the person is still assessed
10 the court costs associated with the action.

11 The bill provides that if the driver or the owner of the
12 motor vehicle produces to the clerk of court proof that
13 financial liability coverage was in effect for the motor
14 vehicle at the time the driver was stopped and cited within 24
15 hours of the issuance of the citation, the citation shall be
16 dismissed, with no assessment of court costs. If more than 24
17 hours passes before the driver or owner produces the required
18 proof of financial liability coverage, the citation shall be
19 dismissed, but court costs shall be assessed.



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House File 2122 - Introduced

HOUSE FILE 2122
BY HEIN and PETTENGILL

A BILL FOR

1 An Act relating to motor home dealer and manufacturer licensing
2 and the business hours of recreational vehicle dealers,
3 making a penalty applicable, and including effective and
4 applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 307.27, subsection 2, Code Supplement
2 2011, is amended to read as follows:
3 2. Administer and supervise the licensing of motor vehicle
4 or motor home manufacturers, distributors, and dealers pursuant
5 to ~~chapter~~ chapters 322 and 322C.
6 Sec. 2. Section 321.1, subsection 42, paragraphs b and c,
7 Code Supplement 2011, are amended to read as follows:
8 *b. "Used motor vehicle" or "secondhand motor vehicle"*
9 *or "used car" means a motor vehicle of a type subject to*
10 *registration under the laws of this state which has been sold*
11 *"at retail" as defined in ~~chapter~~ chapters 322 and 322C and*
12 *previously registered in this or any other state.*
13 *c. "New motor vehicle or new car" means a motor vehicle*
14 *subject to registration which has not been sold "at retail" as*
15 *defined in ~~chapter~~ chapters 322 and 322C.*
16 Sec. 3. Section 321.20B, subsection 8, Code 2011, is amended
17 to read as follows:
18 8. This section does not apply to a motor vehicle owned by
19 a motor vehicle or motor home dealer or wholesaler licensed
20 pursuant to chapter 322 or 322C.
21 Sec. 4. Section 321.23, subsection 3, Code 2011, is amended
22 to read as follows:
23 3. In the event an applicant for registration of a foreign
24 vehicle for which a certificate of title has been issued is
25 able to furnish evidence of being the registered owner of the
26 vehicle to the county treasurer of the owner's residence,
27 although unable to surrender such certificate of title, the
28 county treasurer may issue a registration receipt and plates
29 upon receipt of the required annual registration fee and the
30 fee for new registration but shall not issue a certificate of
31 title thereto. Upon surrender of the certificate of title
32 from the foreign state, the county treasurer shall issue a
33 certificate of title to the owner, or person entitled thereto,
34 of such vehicle as provided in this chapter. The owner of a
35 vehicle registered under this subsection shall not be required

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1 to obtain a certificate of title in this state and may transfer
2 ownership of the vehicle to a motor vehicle or motor home
3 dealer licensed under chapter 322 or 322C if, at the time of
4 the transfer, the certificate of title is held by a secured
5 party and the dealer has forwarded to the secured party the
6 sum necessary to discharge the security interest pursuant to
7 section 321.48, subsection 1.

8 Sec. 5. Section 321.52, subsection 4, paragraph a, Code
9 2011, is amended to read as follows:

10 a. A vehicle rebuilder or a person engaged in the business
11 of buying, selling, or exchanging vehicles of a type required
12 to be registered in this state, upon acquisition of a wrecked
13 or salvage vehicle, shall surrender the certificate of
14 title or manufacturer's or importer's statement of origin
15 properly assigned, together with an application for a salvage
16 certificate of title, to the county treasurer of the county of
17 residence of the purchaser or transferee within thirty days
18 after the date of assignment of the certificate of title for
19 the wrecked or salvage motor vehicle. This subsection applies
20 only to vehicles with a fair market value of five hundred
21 dollars or more, based on the value before the vehicle became
22 wrecked or salvage. Upon payment of a fee of ten dollars, the
23 county treasurer shall issue a salvage certificate of title
24 which shall bear the word "SALVAGE" stamped or printed on the
25 face of the title in a manner prescribed by the department. A
26 salvage certificate of title may be assigned to an educational
27 institution, a new motor vehicle dealer licensed under chapter
28 322, a new motor home dealer licensed under chapter 322C, a
29 person engaged in the business of purchasing bodies, parts
30 of bodies, frames or component parts of vehicles for sale as
31 scrap metal, a salvage pool, or an authorized vehicle recycler
32 licensed under chapter 321H. An authorized vehicle recycler
33 licensed under chapter 321H ~~or~~, a a new motor vehicle dealer
34 licensed under chapter 322, or a new motor home dealer licensed
35 under chapter 322C, may assign or reassign an Iowa salvage



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1 certificate of title or a salvage certificate of title from
2 another state to any person, and the provisions of section
3 321.24, subsection 5, requiring issuance of an Iowa salvage
4 certificate of title shall not apply. A vehicle on which
5 ownership has transferred to an insurer of the vehicle as a
6 result of a settlement with the owner of the vehicle arising
7 out of damage to, or unrecovered theft of, the vehicle shall be
8 deemed to be a wrecked or salvage vehicle and the insurer shall
9 comply with this subsection to obtain a salvage certificate of
10 title within thirty days after the date of assignment of the
11 certificate of title of the vehicle.

12 Sec. 6. Section 321.57, subsections 5 and 6, Code 2011, are
13 amended to read as follows:

14 5. A dealer licensed as a wholesaler for a new motor vehicle
15 model under chapter 322 or a dealer licensed as a wholesaler
16 for a new motor home model under chapter 322C may operate a new
17 motor vehicle or new motor home of that model, owned by the
18 wholesaler, upon the highway when there is displayed on the
19 vehicle a special plate issued to the wholesaler as provided in
20 sections 321.58 through 321.62 and when operated solely for the
21 purposes of demonstration, show, or exhibition.

22 6. A manufacturer licensed under chapter 322 or 322C that
23 manufactures ambulances, rescue vehicles, or fire vehicles
24 may operate or move a new ambulance, rescue vehicle, or fire
25 vehicle manufactured and owned by the manufacturer solely for
26 purposes of transporting, demonstrating, showing, or exhibiting
27 the vehicle when there is displayed on the vehicle a special
28 plate issued to the manufacturer as provided in sections 321.58
29 through 321.62.

30 Sec. 7. Section 321.58, Code 2011, is amended to read as
31 follows:

32 **321.58 Application.**

33 All dealers, transporters, and new motor vehicle or new
34 motor home wholesalers licensed under chapter 322 or 322C,
35 upon payment of a fee of seventy dollars for a two-year

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1 period or part thereof, may make application to the department
2 upon the appropriate form for a certificate containing a
3 general distinguishing number and for one or more special
4 plates as appropriate to various types of vehicles subject
5 to registration. The applicant shall also submit proof of
6 the applicant's status as a bona fide transporter, new motor
7 vehicle wholesaler, or new motor home wholesaler licensed under
8 chapter 322 or 322C, or dealer, as reasonably required by the
9 department. Dealers in new vehicles shall furnish satisfactory
10 evidence of a valid franchise with the manufacturer of the
11 vehicles authorizing the dealership.

12 Sec. 8. Section 321.69, subsections 6, 8, and 11, Code 2011,
13 are amended to read as follows:

14 6. Authorized vehicle recyclers licensed under chapter
15 321H, ~~and~~ motor vehicle dealers licensed under chapter 322, and
16 motor home dealers licensed under chapter 322C shall maintain
17 copies of all damage disclosure statements where the recycler
18 or dealer is either the transferor or the transferee for five
19 years following the date of the statement. The copies shall be
20 made available to the department or the attorney general upon
21 request.

22 8. A person, authorized vehicle recycler licensed under
23 chapter 321H, ~~or~~ motor vehicle dealer licensed under chapter
24 322, or motor home dealer licensed under chapter 322C shall
25 not be liable to a subsequent owner, driver, or passenger of
26 a vehicle because a prior owner or lessee gave a false or
27 inaccurate damage disclosure statement or failed to disclose
28 that the vehicle had previously been damaged and repaired or
29 had been titled on a salvage, rebuilt, or flood certificate of
30 title unless the person, recycler, or dealer knew or reasonably
31 should have known that the prior owner or lessee gave a false
32 or inaccurate damage disclosure statement or failed to disclose
33 that the vehicle had been damaged and repaired or had been
34 titled on a salvage, rebuilt, or flood certificate of title.

35 11. A person who knowingly makes a false damage disclosure

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1 statement or fails to make a damage disclosure statement
2 required by this section commits a fraudulent practice.
3 Failure of a person, authorized vehicle recycler licensed under
4 chapter 321H, or motor vehicle dealer licensed under chapter
5 322, or motor home dealer licensed under chapter 322C to comply
6 with any duty imposed by this section constitutes a violation
7 of section 714.16, subsection 2, paragraph "a".

8 Sec. 9. Section 321.69A, subsection 1, paragraph a,
9 unnumbered paragraph 1, Code Supplement 2011, is amended to
10 read as follows:

11 A person licensed as a new motor vehicle or new motor home
12 dealer pursuant to chapter 322 or 322C, shall not be required
13 to disclose to a prospective or actual buyer or lessee of a
14 new motor vehicle repairs of damage to or adjustments on or
15 replacements of parts with new parts on the motor vehicle if
16 all of the following are true:

17 Sec. 10. Section 321.69A, subsection 2, Code Supplement
18 2011, is amended to read as follows:

19 2. A person licensed as a new motor vehicle or new motor
20 home dealer pursuant to chapter 322 or 322C, shall disclose
21 in writing, at or before the time of sale or lease, to the
22 buyer or lessee of a new motor vehicle that the vehicle has
23 been subject to any repairs of damage to or adjustments on or
24 replacements of parts with new parts if the actual cost of any
25 labor or parts charged to or performed by the dealer for any
26 such repairs, adjustments, or parts exceeds four percent of the
27 dealer's adjusted cost. The written disclosure shall include
28 the signature of the buyer or lessee and be in a form and in
29 a format approved by the attorney general by rule. A dealer
30 shall retain a copy of each written disclosure issued pursuant
31 to this section for five years from the date of issuance.

32 Sec. 11. Section 321.71, subsection 9, Code 2011, is amended
33 to read as follows:

34 9. An Iowa licensed motor vehicle or motor home dealer
35 shall not have in possession as inventory for sale a used motor

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1 vehicle acquired by the dealer after the tenth model year
2 prior to the current registration year, for which the dealer
3 does not possess an odometer statement by the transferor which
4 is in compliance with federal law and regulations unless a
5 certificate of title has been issued for the vehicle in the
6 name of the dealer. Transfer of a new motor vehicle with
7 an ownership document which is a manufacturer's statement of
8 origin requires an odometer statement only when transferred at
9 retail.

10 Sec. 12. Section 321.95, subsection 1, Code 2011, is amended
11 to read as follows:

12 1. Peace officers shall have the authority to inspect any
13 vehicle or component part in possession of a vehicle rebuilder,
14 vehicle salvager, used vehicle parts dealer, or any person
15 licensed under chapter 322 or 322C, or found upon the public
16 highway or in any public garage, enclosure, or property in
17 which vehicles or component parts are kept for sale, storage,
18 hire, or repair and for that purpose may enter any such public
19 garage, enclosure, or property. Every vehicle rebuilder,
20 vehicle salvager, used vehicle parts dealer, or any person
21 licensed under chapter 322 or 322C, or a person having used
22 engines or transmissions which are component parts for sale
23 shall keep an accurate and complete record of all vehicles
24 demolished and of such component parts purchased or received
25 for resale as component parts in the course of business. These
26 records shall contain the name and address of the person from
27 whom each such vehicle or component part was purchased or
28 received and the date when the purchase or receipt occurred or
29 the junking certificate if required for the vehicle. These
30 records shall be open for inspection by any peace officer at
31 any time during normal business hours. Records required by
32 this section shall be kept for at least three years after the
33 transaction which they record.

34 Sec. 13. Section 321.105A, subsection 2, paragraph a,
35 subparagraphs (1) and (3), Code Supplement 2011, are amended

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1 to read as follows:

2 (1) Exempted from the purchase price of any vehicle subject
3 to registration is the amount of any cash rebate which is
4 provided by a motor vehicle or motor home manufacturer to the
5 purchaser of the vehicle subject to registration so long as the
6 rebate is applied to the purchase price of the vehicle.

7 (3) Exempted from the purchase price of a replacement
8 motor vehicle owned by a motor vehicle or motor home dealer
9 licensed under chapter 322 or 322C which is being registered
10 by that dealer and is not otherwise exempt from the fee for
11 new registration is the fair market value of a replaced motor
12 vehicle if all of the following conditions are met:

13 (a) The motor vehicle being registered is being placed in
14 service as a replacement motor vehicle for a motor vehicle
15 registered by the motor vehicle or motor home dealer.

16 (b) The motor vehicle being registered is taken from the
17 motor vehicle or motor home dealer's inventory.

18 (c) Use tax or the fee for new registration on the motor
19 vehicle being replaced was paid by the motor vehicle or motor
20 home dealer when that motor vehicle was registered.

21 (d) The replaced motor vehicle is returned to the motor
22 vehicle or motor home dealer's inventory for sale.

23 (e) The application for registration and title of the motor
24 vehicle being registered is filed with the county treasurer
25 within two weeks of the date the replaced motor vehicle is
26 returned to the motor vehicle or motor home dealer's inventory.

27 (f) The motor vehicle being registered is placed in the same
28 or substantially similar service as the replaced motor vehicle.

29 Sec. 14. Section 321.105A, subsection 2, paragraph c,
30 subparagraphs (6) and (14), Code Supplement 2011, are amended
31 to read as follows:

32 (6) Vehicles subject to registration in any state when
33 purchased for rental or registered and titled by a motor
34 vehicle or motor home dealer licensed pursuant to chapter
35 322 or 322C for rental use, and held for rental for a period

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1 of one hundred twenty days or more and actually rented for
2 periods of sixty days or less by a person regularly engaged in
3 the business of renting vehicles including but not limited to
4 motor vehicle dealers licensed pursuant to chapter 322 who rent
5 automobiles to users, if the rental of the vehicles is subject
6 to taxation under chapter 423C.

7 (14) Vehicles purchased by a licensed motor vehicle or motor
8 home dealer for resale.

9 Sec. 15. Section 321.115, subsection 2, Code 2011, is
10 amended to read as follows:

11 2. The sale of a motor vehicle twenty years old or older
12 which is primarily of value as a collector's item and not as
13 transportation is not subject to chapter 322 or 322C, and any
14 person may sell such a vehicle at retail without a license as
15 required under chapter 322 or 322C.

16 Sec. 16. Section 321.124, subsection 2, Code 2011, is
17 amended to read as follows:

18 2. Class A motor homes and class C motor homes are exempt
19 from the provisions of section ~~322.5, subsection 2~~ 322C.4A,
20 except that a motor vehicle dealer showing class A motor
21 homes and class C motor homes shall apply for a temporary
22 permit upon forms and for such time as provided in section
23 ~~322.5, subsection 2~~ 322C.4A, and the department may issue the
24 temporary permit upon payment of the fee provided therein.

25 Sec. 17. Section 321.157, subsection 1, Code 2011, is
26 amended to read as follows:

27 1. A manufacturer or importer of a motor vehicle sold or
28 offered for sale in this state, either by the manufacturer,
29 importer, distributor, dealer, or any other person, shall file
30 in the office of the department a sworn statement showing the
31 various models manufactured by the manufacturer, importer,
32 distributor, dealer, or other person, and the retail list
33 price and weight of each model concurrently with a public
34 announcement of such prices or concurrently with notification
35 of such prices to dealers licensed to sell such motor vehicles

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1 or motor homes under chapter 322 or 322C, whichever comes
2 first. The manufacturer, importer, distributor, dealer, or
3 other person shall also make the same report on subsequent new
4 models manufactured.

5 Sec. 18. Section 321A.39, subsection 1, unnumbered
6 paragraph 1, Code 2011, is amended to read as follows:

7 Whenever any dealer licensed under chapter 322 or 322C sells
8 a motor vehicle at retail and the transaction does not include
9 the sale of liability insurance coverage which will protect the
10 purchaser under the Iowa motor vehicle financial and safety
11 responsibility Act the purchase order or invoice evidencing the
12 transaction shall contain a statement in the following form:

13 Sec. 19. Section 321F.9, Code 2011, is amended to read as
14 follows:

15 **321F.9 Option to purchase — dealer's license.**

16 Any person engaged in business in this state shall not
17 enter into any agreement for the use of a motor vehicle under
18 the terms of which that person grants to another an option
19 to purchase the motor vehicle without first having obtained
20 a motor vehicle or motor home dealer's license under the
21 provisions of chapter 322 or 322C, and all sales of motor
22 vehicles under such options shall be subject to sales or use
23 taxes imposed under the provisions of chapter 423. Nothing
24 contained in this section shall require such person to have a
25 place of business as provided by section 322.6, subsection 1,
26 paragraph "h" or chapter 322C.

27 Sec. 20. Section 321H.3, unnumbered paragraph 1, Code 2011,
28 is amended to read as follows:

29 Except for educational institutions; persons licensed as new
30 vehicle or new motor home dealers under chapter 322 or 322C;
31 persons engaged in a hobby not for profit; persons engaged in
32 the business of purchasing bodies, parts of bodies, frames,
33 or component parts of vehicles only for sale as scrap metal;
34 or persons licensed under the provisions of this chapter as
35 authorized vehicle recyclers, a person in this state shall not

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1 engage in the business of any of the following:

2 Sec. 21. Section 322.2, subsections 11 and 12, Code 2011,
3 are amended to read as follows:

4 11. "*Manufacturer*" means any person engaged in the business
5 of fabricating or assembling motor vehicles. It does not
6 include a person who converts, modifies, or alters a completed
7 motor vehicle manufactured by another person. ~~It includes~~
8 ~~a person who uses a completed motor vehicle manufactured by~~
9 ~~another person to construct a class "B" motor home as defined~~
10 ~~in section 321.124.~~

11 12. "*Motor vehicle*" means any self-propelled vehicle subject
12 to registration under chapter 321 except a motor home as
13 defined in section 322C.2.

14 Sec. 22. Section 322.2, Code 2011, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 14A. "*Recreational vehicle*" means a motor
17 home as defined in section 321.1, subsection 36C, or a travel
18 trailer as defined in section 322C.2, subsection 10.

19 Sec. 23. Section 322.3, subsection 14, paragraph d, Code
20 2011, is amended by striking the paragraph.

21 Sec. 24. Section 322.36, Code 2011, is amended to read as
22 follows:

23 **322.36 Motorcycle and recreational vehicle dealer business**
24 **hours.**

25 1. A person in the business of selling motorcycles under
26 chapter 322D is not required to maintain regular business hours
27 at the dealer's principal place of business or other place of
28 business.

29 2. a. A person in the business of selling recreational
30 vehicles under chapter 322C is not required to maintain regular
31 business hours at the dealer's principal place of business or
32 other place of business unless the person sells motor vehicles
33 at the same place of business.

34 b. A person in the business of selling recreational vehicles
35 under chapter 322C shall post the dealer's contact information

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1 and a business telephone number in a conspicuous location in
2 the dealer's place of business. The person shall maintain
3 a business telephone number which is answered by a person
4 employed by the dealer or by a recorded message which provides
5 the business's contact information.

6 Sec. 25. Section 322A.2, subsection 2, Code 2011, is amended
7 to read as follows:

8 2. A franchiser may terminate a franchise for a particular
9 line-make if the franchiser discontinues that line-make and
10 a franchiser may terminate a franchise if the franchisee's
11 license as a motor vehicle or motor home dealer is revoked
12 pursuant to the provisions of chapter 322 or 322C.

13 Sec. 26. Section 322A.12, subsection 1, Code 2011, is
14 amended to read as follows:

15 1. Notwithstanding the terms, provisions, or conditions of
16 an agreement or franchise, subject to the provisions of section
17 322A.11, subsection 2, in the event of the sale or transfer of
18 ownership of a franchisee's dealership by sale or transfer of
19 the business or by stock transfer or in the event of a change
20 in the executive management of a franchisee's dealership, the
21 franchiser shall give effect to the change in the franchise
22 unless the transfer of the franchisee's license under chapter
23 322 or 322C is denied or the new owner is unable to obtain a
24 license under that chapter.

25 Sec. 27. Section 322A.14, Code 2011, is amended to read as
26 follows:

27 **322A.14 License to dealer denied.**

28 In the event that a franchiser enters into or attempts to
29 enter into a franchise, whether upon termination or refusal
30 to continue another franchise or upon the establishment of an
31 additional motor vehicle dealership in a community where the
32 same line-make is then represented, without first complying
33 with the provisions of this chapter, no license under chapter
34 322 or 322C shall be issued to that franchisee or proposed
35 franchisee to engage in the business of selling motor vehicles

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1 manufactured or distributed by that franchiser.

2 Sec. 28. Section 322C.2, subsections 1, 3, 5, and 8, Code
3 2011, are amended to read as follows:

4 1. To sell "*at retail*" means to sell a travel trailer or
5 motor home to a person who will devote it to a consumer use.

6 3. "*Distributor*" or "*wholesaler*" means a person who in whole
7 or in part sells or distributes travel trailers to travel
8 trailer dealers, or a person who in whole or in part sells or
9 distributes motor homes to motor home dealers, either directly
10 or through a representative employed by a distributor.

11 5. "*Manufacturer*" means a person engaged in the business of
12 fabricating or assembling travel trailers or motor homes of a
13 type required to be registered. It includes a person who uses
14 a completed motor vehicle manufactured by another person to
15 construct a class "B" motor home as defined in section 321.124.

16 8. "*Place of business*" means a designated location where
17 facilities are maintained for displaying, reconditioning and
18 repairing either new or used travel trailers or motor homes.

19 Sec. 29. Section 322C.2, Code 2011, is amended by adding the
20 following new subsections:

21 NEW SUBSECTION. 4A. The "*holder*" of a retail installment
22 contract means the retail seller of the motor home under or
23 subject to the contract or, if the contract is purchased by
24 a sales finance company or other assignee, the sales finance
25 company or other assignee.

26 NEW SUBSECTION. 5A. "*Motor home*" means the same as defined
27 in section 321.1, subsection 36C, paragraph "d".

28 NEW SUBSECTION. 5B. "*New motor home*" means a motor home
29 that has not been sold at retail.

30 NEW SUBSECTION. 8A. "*Retail buyer*" or "*buyer*" means a
31 person who buys a motor home from a retail seller.

32 NEW SUBSECTION. 8B. "*Retail installment contract*" means an
33 agreement entered into in this state, pursuant to which the
34 title to, the property in or a lien upon the motor home, which
35 is the subject matter of a retail installment transaction, is

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1 retained or taken by a retail seller from a retail buyer as
2 security, in whole or in part, for the buyer's obligation. The
3 term includes a chattel mortgage, a conditional sales contract,
4 and a contract for the bailment or leasing of a motor home by
5 which the bailee or lessee contracts to pay as compensation for
6 its use a sum substantially equivalent to or in excess of its
7 value and by which it is agreed that the bailee or lessee is
8 bound to become, or has the option of becoming, the owner of
9 the motor home upon full compliance with the provisions of the
10 contract.

11 NEW SUBSECTION. 8C. "*Retail installment transaction*" means
12 any sale evidenced by a retail installment contract between a
13 retail buyer and a retail seller wherein the retail buyer buys
14 a motor home from a retail seller at a time price payable in one
15 or more installments.

16 NEW SUBSECTION. 8D. "*Retail seller*" or "*seller*" means a
17 person who sells a motor home to a retail buyer.

18 NEW SUBSECTION. 8E. "*Sales finance company*" means a person
19 engaged, in whole or in part, in the business of purchasing
20 retail installment contracts from one or more retail sellers.
21 The term also includes a retail seller engaged, in whole
22 or in part, in the business of creating and holding retail
23 installment contracts. The term does not include the pledgee
24 of an aggregate number of such contracts to secure a bona fide
25 loan thereon.

26 NEW SUBSECTION. 10A. "*Used motor home*" means a motor home
27 which has been sold at retail and previously registered in this
28 or any other state.

29 Sec. 30. Section 322C.3, Code Supplement 2011, is amended
30 to read as follows:

31 **322C.3 Prohibited acts — exception.**

32 1. a. A person shall not engage in this state in the
33 business of selling at retail new travel trailers of any make,
34 or represent or advertise that the person is engaged or intends
35 to engage in such business in this state, unless the person is

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1 authorized by a contract in writing between that person and the
2 manufacturer or distributor of that make of new travel trailers
3 to sell the trailers in this state, and unless the department
4 has issued to the person a license as a travel trailer dealer
5 for the same make of travel trailer.

6 b. A person shall not engage in this state in the business
7 of selling at retail new motor homes of any make, or represent
8 or advertise that the person is engaged or intends to engage in
9 such business in this state, unless the person is authorized by
10 a contract in writing between that person and the manufacturer
11 or distributor of that make of new motor homes to sell the
12 motor homes in this state, and unless the department has issued
13 to the person a license as a motor home dealer for the same make
14 of motor homes.

15 2. a. A person, other than a licensed travel trailer
16 dealer in new travel trailers, shall not engage in the business
17 of selling at retail used travel trailers or represent or
18 advertise that the person is engaged or intends to engage in
19 such business in this state unless the department has issued to
20 the person a license as a used travel trailer dealer.

21 b. A person, other than a licensed motor home dealer in
22 new motor homes, shall not engage in the business of selling
23 at retail used motor homes or represent or advertise that the
24 person is engaged or intends to engage in such business in this
25 state unless the department has issued to the person a license
26 as a used motor home dealer.

27 3. A person is not required to obtain a license as a travel
28 trailer or motor home dealer if the person is disposing of a
29 travel trailer or motor home acquired or repossessed, so long
30 as the person is exercising a power or right granted by a lien,
31 title-retention instrument, or security agreement given as
32 security for a loan or a purchase money obligation.

33 4. a. A travel trailer dealer shall not enter into a
34 contract, agreement, or understanding, expressed or implied,
35 with a manufacturer or distributor that the dealer will sell,

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1 assign, or transfer an agreement or contract arising from
2 the retail installment sale of a travel trailer only to a
3 designated person or class of persons. Any such condition,
4 agreement, or understanding between a manufacturer or
5 distributor and a travel trailer dealer is against the public
6 policy of this state and is unlawful and void.

7 b. A motor home dealer shall not enter into a contract,
8 agreement, or understanding, expressed or implied, with a
9 manufacturer or distributor that the dealer will sell, assign,
10 or transfer an agreement or contract arising from the retail
11 installment sale of a motor home only to a designated person
12 or class of persons. Any such condition, agreement, or
13 understanding between a manufacturer or distributor and a motor
14 home dealer is against the public policy of this state and is
15 unlawful and void.

16 5. a. A manufacturer or distributor of travel trailers or
17 an agent or representative of the manufacturer or distributor,
18 shall not refuse to renew a contract for a term of less than
19 five years, and shall not terminate or threaten to terminate
20 a contract, agreement or understanding for the sale of new
21 travel trailers to a travel trailer dealer in this state
22 without just, reasonable and lawful cause or because the travel
23 trailer dealer failed to sell, assign or transfer a contract
24 or agreement arising from the retail sale of a travel trailer
25 to only a person or a class of persons designated by the
26 manufacturer or distributor.

27 b. A manufacturer or distributor of motor homes or an agent
28 or representative of the manufacturer or distributor shall not
29 terminate, threaten to terminate, or fail to renew a contract,
30 agreement, or understanding for the sale of new motor homes to
31 a motor home dealer in this state without just, reasonable,
32 and lawful cause or because the motor home dealer failed to
33 sell, assign, or transfer any retail installment contract
34 arising from the retail sale of a motor home or any one or more
35 of them to a person or a class of persons designated by the

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1 manufacturer or distributor.

2 6. A travel trailer or motor home dealer shall not make and
3 enter into a security agreement, retail installment contract,
4 or other contract unless the agreement or contract meets the
5 following requirements:

6 a. The security agreement, retail installment contract,
7 or other contract is in writing, is signed by both the buyer
8 and the seller, and is complete as to all essential provisions
9 prior to the signing of the agreement, retail installment
10 contract, or other contract by the buyer except that, if
11 delivery of the travel trailer or motor home is not made at
12 the time of the execution of the agreement or contract, the
13 identifying numbers of the travel trailer or motor home or
14 similar information and the due date of the first installment
15 may be inserted in the agreement or contract after its
16 execution.

17 b. The agreement, retail installment contract, or other
18 contract complies with the Iowa consumer credit code, chapter
19 537, where applicable.

20 7. a. A manufacturer or distributor of travel trailers or
21 an agent or representative of a manufacturer or distributor
22 shall not coerce or attempt to coerce a travel trailer dealer
23 to accept delivery of a travel trailer or travel trailer parts
24 or accessories, or any other commodity which has not been
25 ordered by the dealer.

26 b. A manufacturer or distributor of motor homes or an agent
27 or representative of a manufacturer or distributor of motor
28 homes shall not coerce or attempt to coerce a motor home dealer
29 to accept delivery of a motor home or motor home parts or
30 accessories, or any other commodity which has not been ordered
31 by the dealer.

32 8. Except under subsection 9 of this section or section
33 322C.4A, a person licensed under section 322C.4 shall not,
34 either directly or through an agent, salesperson or employee,
35 engage or represent or advertise that the person is engaged or

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1 intends to engage in this state, in the business of buying or
2 selling new or used travel trailers or motor homes on Sunday.

3 9. A travel trailer dealer may display new travel trailers
4 at fairs, shows, and exhibitions on any day of the week as
5 provided in this subsection. Travel trailer dealers, in
6 addition to selling travel trailers at their principal place
7 of business and lots, may, upon receipt of a temporary permit
8 approved by the department, display and offer new travel
9 trailers for sale and negotiate sales of new travel trailers
10 at fairs, shows, and exhibitions. Application for temporary
11 permits shall be made upon forms provided by the department and
12 shall be accompanied by a ten dollar permit fee. Temporary
13 permits shall be issued for a period not to exceed fourteen
14 days. The department may issue multiple consecutive temporary
15 permits.

16 10. A person who has been convicted of a fraudulent
17 practice, has been convicted of three or more violations of
18 section 321.92, subsection 2, or section 321.99, or has been
19 convicted of any other indictable offense in connection with
20 selling or other activity relating to vehicles, in this state
21 or any other state, shall not for a period of five years from
22 the date of conviction be an owner, salesperson, employee,
23 officer of a corporation, or representative of a licensed
24 travel trailer or motor home dealer or represent themselves
25 as an owner, salesperson, employee, officer of a corporation,
26 or representative of a licensed travel trailer or motor home
27 dealer.

28 11. A manufacturer, distributor, or importer of motor homes
29 or agent or representative of such manufacturer, distributor,
30 or importer shall not require a motor home dealer to submit to
31 arbitration to resolve a controversy before the controversy
32 arises. The parties may enter into a voluntary agreement to
33 arbitrate a controversy after it arises. Such an agreement
34 shall require that the arbitrator apply Iowa law in resolving
35 the controversy. Either party may appeal a decision of an

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1 arbitrator to the district court on the grounds that the
2 arbitrator failed to apply Iowa law.

3 12. a. A manufacturer, distributor, or importer of
4 motor homes or agent or representative of such manufacturer,
5 distributor, or importer shall not reduce the amount of
6 compensation for, or disallow a claim for, any of the following
7 if twelve months or more have passed since the claim was
8 submitted to the manufacturer, distributor, or importer or
9 agent or representative thereof:

10 (1) Warranty parts, repairs, or service supplied by a motor
11 home dealer.

12 (2) Sales or leasing incentives provided to a motor home
13 dealer or to a customer of a motor home dealer including but
14 not limited to rebates and discounted interest rates.

15 b. The twelve-month limitation shall not apply if a court
16 of competent jurisdiction in this state finds the claim was
17 fraudulent.

18 13. A manufacturer, distributor, or importer of motor homes
19 or an agent or representative of a manufacturer, distributor,
20 or importer shall not reduce the amount of compensation for,
21 or disallow a claim for, warranty parts, repairs, or service
22 supplied by a motor home dealer on the grounds that the dealer
23 failed to submit a claim fewer than sixty days after the
24 motor home dealer completed the work underlying the claim for
25 warranty parts, repairs, or service.

26 Sec. 31. Section 322C.4, Code 2011, is amended to read as
27 follows:

28 **322C.4 Dealer's license application and fees.**

29 1. Upon application and payment of a fee, a person may
30 be licensed as a travel trailer or motor home dealer. The
31 license fee is seventy dollars for a two-year period or part
32 thereof. The person shall pay an additional fee of twenty
33 dollars for a two-year period or part thereof for each travel
34 trailer or motor home lot in addition to the principal place
35 of business unless the lot is adjacent to the principal place

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1 of business. For purposes of this subsection, "adjacent" means
2 that the principal place of business and each additional lot
3 are adjoining parcels of property. The applicant shall file
4 in the office of the department a verified application for
5 license as a travel trailer or motor home dealer in the form
6 the department prescribes, which shall include the following:
7 a. The name of the applicant and the applicant's principal
8 place of business.
9 b. The name of the applicant's business and whether the
10 applicant is an individual, partnership, corporation or other
11 legal entity.
12 (1) If the applicant is a partnership the name under which
13 the partnership intends to engage in business and the name and
14 post office address of each partner.
15 (2) If the applicant is a corporation, the state of
16 incorporation and the name and post office address of each
17 officer and director.
18 c. The make or makes of new travel trailers or motor homes,
19 if any, which the applicant will offer for sale at retail in
20 this state.
21 d. The location of each place of business within this state
22 to be used by the applicant for the conduct of the business.
23 e. If the applicant is a party to a contract, agreement,
24 or understanding with a manufacturer or distributor of travel
25 trailers or motor homes or is about to become a party to a
26 contract, agreement, or understanding, the applicant shall
27 state the name of each manufacturer and distributor and the
28 make or makes of new travel trailers or motor homes, if any,
29 which are the subject matter of the contract, agreement, or
30 understanding.
31 f. Other information concerning the business of the
32 applicant the department reasonably requires for administration
33 of this chapter.
34 g. Proof that the applicant for a license as a motor home
35 dealer has financial liability coverage as defined in section

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1 321.1, except that such coverage shall be in limits of not less
2 than one hundred thousand dollars because of bodily injury to
3 or death of one person in any one accident and, subject to the
4 limit for one person, three hundred thousand dollars because
5 of bodily injury to or death of two or more persons in any one
6 accident, and fifty thousand dollars because of injury to or
7 destruction of property of others in any one accident.

8 h. If the applicant is applying for a used motor home
9 dealer license, certification that the applicant has met the
10 educational requirements for licensure under section 322C.6A.
11 The certification may be transmitted to the department by the
12 education provider in electronic format.

13 2. The license shall be granted or refused within thirty
14 days after application. A license is valid for a two-year
15 period and expires, unless revoked or suspended by the
16 department, on December 31 of even-numbered years. A licensee
17 shall have the month of expiration and the month after the
18 month of expiration to renew the license. A used motor home
19 dealer license shall not be renewed for an applicant who is
20 subject to continuing education requirements until the licensee
21 certifies completion of the educational requirements for
22 license renewal under section 322C.6A. The certification may
23 be transmitted to the department by the education provider in
24 electronic format. A person who fails to renew a license by
25 the end of this time period and desires to hold a license shall
26 file a new license application and pay the required fee. A
27 separate license shall be obtained for each county in which
28 an applicant does business as a travel trailer or motor home
29 dealer.

30 3. A licensee shall file with the department a supplemental
31 statement when there is a change in an item of information
32 required under paragraphs "a" to "e" "h" of subsection 1, within
33 fifteen days after the change. Upon filing a supplemental
34 statement, the licensee shall surrender its license to the
35 department together with a thirty-five-dollar fee. The

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1 department shall issue a new license modified to reflect the
2 changes on the supplemental statement.

3 4. Before the issuance of a travel trailer dealer's license,
4 the applicant shall furnish a surety bond executed by the
5 applicant as principal and executed by a corporate surety
6 company, licensed and qualified to do business within this
7 state, which bond shall run to the state of Iowa, be in the
8 amount of twenty-five thousand dollars and be conditioned upon
9 the faithful compliance by the applicant as a dealer with all
10 statutes of this state regulating or applicable to a travel
11 trailer dealer, and shall indemnify any person dealing or
12 transacting business with the dealer from loss or damage caused
13 by the failure of the dealer to comply with the provisions of
14 chapter 321 and this chapter, including the furnishing of a
15 proper and valid certificate of title to a travel trailer, and
16 that the bond shall be filed with the department prior to the
17 issuance of the license. A person licensed under subsection 5
18 or chapter 322, with the same name and location or locations,
19 is not subject to the provisions of this subsection.

20 5. Before the issuance of a motor home dealer's license
21 to be a dealer engaged in the sale of motor homes for which
22 a certificate of title is required under chapter 321, the
23 applicant shall furnish a surety bond executed by the applicant
24 as principal and executed by a corporate surety company,
25 licensed and qualified to do business within this state,
26 which bond shall run to the state of Iowa, be in the amount of
27 fifty thousand dollars and be conditioned upon the faithful
28 compliance by the applicant as a dealer with all of the
29 statutes of this state regulating or applicable to the business
30 of a dealer in motor homes, and indemnifying any person who
31 buys a motor home from the dealer from any loss or damage
32 occasioned by the failure of the dealer to comply with any of
33 the provisions of chapter 321 and this chapter, including but
34 not limited to the furnishing of a proper and valid certificate
35 of title to the motor home involved in a transaction. The bond

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1 shall also indemnify any motor home purchaser from any loss
2 or damage caused by the failure of the dealer to comply with
3 the odometer requirements in section 321.71, regardless of
4 whether the motor home was purchased directly from the dealer.
5 The bond shall be filed with the department prior to the
6 issuance of a license. The aggregate liability of the surety,
7 however, shall not exceed the amount of the bond. A person
8 licensed under chapter 322, with the same name and location or
9 locations, is not subject to the provisions of this subsection.

10 Sec. 32. NEW SECTION. 322C.4A Temporary permits.

11 1. A motor home dealer may do any of the following:

12 a. Display new motor homes at fairs, vehicle shows, and
13 vehicle exhibitions, upon application for and receipt of a
14 temporary permit issued by the department.

15 b. Display, offer for sale, and negotiate sales of new motor
16 homes at fair events, as defined in chapter 174, vehicle shows,
17 and vehicle exhibitions, upon application for and receipt of a
18 temporary permit issued by the department. Such activities may
19 only be conducted at fair events, vehicle shows, and vehicle
20 exhibitions that are held in the county of the motor home
21 dealer's principal place of business. A sale of a motor home
22 by a motor home dealer shall not be completed and an agreement
23 for the sale of a motor home shall not be signed at a fair
24 event, vehicle show, or vehicle exhibition. All such sales
25 shall be consummated at the motor home dealer's principal place
26 of business.

27 2. An application for a temporary permit under this
28 subsection shall be made upon a form provided by the department
29 and shall be accompanied by a ten dollar permit fee. The
30 department may issue a temporary permit for a period not to
31 exceed fourteen days. The department may issue multiple
32 consecutive temporary permits.

33 Sec. 33. Section 322C.5, Code 2011, is amended to read as
34 follows:

35 322C.5 Display of license.

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1 1. A license issued under section 322C.4 shall specify the
2 location of the principal place of business and the location
3 of each additional place of business, if any, for which the
4 license is issued, and the license shall be conspicuously
5 displayed at the principal place of business except during
6 periods when the license is surrendered for modification.

7 2. A license issued under section 322C.9 for manufacturers
8 and distributors of motor homes shall specify the location
9 of the office and must be conspicuously displayed at such
10 location. In case such location be changed, the department
11 shall endorse the change of location on the license without
12 charge if it be within the same municipality. A change of
13 location to another municipality shall require a new license.

14 Sec. 34. Section 322C.6, unnumbered paragraph 1, Code 2011,
15 is amended to read as follows:

16 A license or permit issued under section 322C.4, 322C.4A, or
17 322C.9 may be denied, revoked, or suspended, after opportunity
18 for a hearing before the department of inspections and appeals
19 in accordance with chapters 10A and 17A, if it is determined
20 that the licensee or applicant has done any of the following:

21 Sec. 35. Section 322C.6, subsection 2, Code 2011, is amended
22 to read as follows:

23 2. Made a material misrepresentation to the department in
24 connection with an application for a license, certificate of
25 title, or registration of a travel trailer, motor home, or
26 other vehicle.

27 Sec. 36. Section 322C.6, Code 2011, is amended by adding the
28 following new subsections:

29 NEW SUBSECTION. 8. Failing upon the sale or transfer of
30 a motor home to deliver to the purchaser or transferee of the
31 motor home sold or transferred, a manufacturer's or importer's
32 certificate, or a certificate of title duly assigned as
33 provided in chapter 321.

34 NEW SUBSECTION. 9. Failing upon the purchasing or otherwise
35 acquiring of a motor home to obtain a manufacturer's or

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1 importer's certificate, or a certificate of title duly assigned
2 as provided in chapter 321.

3 NEW SUBSECTION. 10. Failing upon the purchasing or
4 otherwise acquiring of a motor home to obtain a new certificate
5 of title to such motor home when and where required in chapter
6 321.

7 Sec. 37. NEW SECTION. 322C.6A Used motor home dealer
8 education program.

9 1. An applicant for a license as a used motor home dealer
10 shall complete prelicensing education program courses pursuant
11 to section 322.7A prior to submitting an application to the
12 department.

13 2. A person seeking renewal of a used motor home dealer
14 license shall complete continuing education program courses as
15 provided in section 322.7A.

16 Sec. 38. Section 322C.7, Code 2011, is amended to read as
17 follows:

18 322C.7 Manufacturer's or distributor's license.

19 1. A manufacturer or distributor of travel trailers shall
20 not engage in business in this state without a license pursuant
21 to this chapter.

22 2. A manufacturer of motor homes, except an alien
23 manufacturer represented by an importer, shall not engage in
24 business as a manufacturer in this state or employ, appoint,
25 or maintain distributors or wholesalers or dealers, without a
26 license as provided in this chapter. However, new motor home
27 dealers may wholesale motor homes without an additional license
28 and used motor home dealers may wholesale used motor homes
29 without an additional license.

30 Sec. 39. NEW SECTION. 322C.8 Wholesaler and distributor's
31 license.

32 1. A person shall not engage in business as a wholesaler
33 of new motor homes in this state without a license as provided
34 in this chapter. Prior to the issuance of such license,
35 the department, at a minimum, and in addition to any other

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1 information the department deems necessary to the application,
2 shall require proof that the applicant has financial liability
3 coverage as defined in section 321.1, except that such coverage
4 shall be in limits of not less than one hundred thousand
5 dollars because of bodily injury to or death of one person in
6 any one accident and, subject to the limit for one person,
7 three hundred thousand dollars because of bodily injury to
8 or death of two or more persons in any one accident, and
9 fifty thousand dollars because of injury to or destruction of
10 property of others in any one accident.

11 2. A distributor or wholesaler of new motor homes shall
12 not sell or offer for sale a new motor home at retail unless
13 licensed as a new motor home dealer. A licensed distributor
14 or wholesaler of a new motor home shall not register or title a
15 new motor home held for sale and shall transfer ownership of
16 a new motor home by assigning the manufacturer's statement of
17 origin for the motor home.

18 Sec. 40. Section 322C.9, Code 2011, is amended to read as
19 follows:

20 **322C.9 License application and fees.**

21 1. Upon application and payment of a seventy dollar fee for
22 a two-year period or part thereof, a person may be licensed as
23 a manufacturer, wholesaler, or distributor of travel trailers
24 or motor homes. The application shall be in the form and
25 shall contain information as the department prescribes. The
26 license shall be granted or refused within thirty days after
27 application. The license expires, unless sooner revoked or
28 suspended by the department, on December 31 of even-numbered
29 years. A licensee shall have the month of expiration and the
30 month after the month of expiration to renew the license. A
31 person who fails to renew a license by the end of this time
32 period and desires to hold a license shall file a new license
33 application and pay the required fee.

34 2. License fees for each two-year period or part thereof are
35 as follows:

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- 1 a. For a motor home manufacturer, seventy dollars.
2 b. For a travel trailer manufacturer or distributor, seventy
3 dollars.
4 c. For a new motor home distributor or wholesaler, forty
5 dollars.
6 3. A license shall not be issued to a person as a
7 distributor or wholesaler for a new motor home model unless the
8 distributor or wholesaler has written authorization from the
9 manufacturer as a distributor or wholesaler of the motor home
10 model.
11 4. Upon payment of the license fee as provided in this
12 section, a person who rebuilds new completed motor homes by
13 fabricating, altering, adding, or replacing essential parts,
14 components, or equipment for the purpose of building an
15 ambulance, rescue vehicle, fire vehicle, or towing or recovery
16 vehicle as defined in chapter 321 may be issued a license as
17 a wholesaler of new motor homes of the make and model rebuilt
18 without written authorization from the manufacturer.
19 5. Notwithstanding any other provision of this chapter,
20 a person licensed as a wholesaler under subsection 4 may be
21 licensed as a used motor home dealer.
22 Sec. 41. NEW SECTION. 322C.13 Copy of contract to buyer.
23 A copy of every retail installment contract shall be
24 furnished to the buyer at the time of the execution of the
25 contract. An acknowledgment by the buyer contained in the body
26 of the retail installment contract of the delivery of a copy
27 thereof shall be conclusive proof of delivery in any action or
28 proceeding by or against any assignee of a retail installment
29 contract.
30 Sec. 42. NEW SECTION. 322C.14 Dual-interest insurance.
31 If dual-interest insurance on the motor home is purchased
32 by the holder it shall, within thirty days after execution of
33 the retail installment contract, send or cause to be sent to
34 the buyer a policy or policies or certificate of insurance,
35 written by an insurance company authorized to do business in

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1 this state, clearly setting forth the amount of the premium,
2 the kind or kinds of insurance and the coverages. The buyer
3 shall have the privilege of purchasing such insurance from an
4 agent or broker of the buyer's own selection and of selecting
5 an insurance company acceptable to the holder; but in such
6 case the inclusion of the insurance premium in the retail
7 installment contract shall be optional with the seller. If
8 any insurance is canceled, unearned insurance premium refunds
9 received by the holder shall be credited to the final maturing
10 installments of the contract except to the extent applied
11 toward payment for similar insurance protecting the interests
12 of the buyer and the holder or either of them.

13 Sec. 43. NEW SECTION. 322C.15 Motor home retail installment
14 transactions — finance charges — amount.

15 1. Notwithstanding the provisions of any other existing
16 law, a retail installment transaction may include a finance
17 charge not in excess of the following rates:

18 a. Class 1. Any new motor home designated by the
19 manufacturer by a year model not earlier than the year in which
20 the sale is made, an amount equivalent to one and three-fourths
21 percent per month simple interest on the declining balance of
22 the amount financed.

23 b. Class 2. Any new motor home not in Class 1 and any
24 used motor home designated by the manufacturer by a year model
25 of the same or not more than two years prior to the year in
26 which the sale is made, an amount equivalent to two percent per
27 month simple interest on the declining balance of the amount
28 financed.

29 c. Class 3. Any used motor home not in Class 2 and
30 designated by the manufacturer by a year model more than two
31 years prior to the year in which the sale is made, an amount
32 equivalent to two and one-fourth percent per month simple
33 interest on the declining balance of the amount financed.

34 2. For purposes of this section, "amount financed" means
35 as defined in section 537.1301. However, notwithstanding

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1 section 322C.21, subsection 3, the amount financed may also
2 include additional charges for the following, which shall not
3 be included in the finance charge:

4 a. A service contract as defined in section 516E.1.

5 b. Voluntary debt cancellation coverage, whether insurance
6 or debt waiver, which may be excluded from the finance charge
7 under the federal Truth in Lending Act as defined in section
8 537.1302.

9 Sec. 44. NEW SECTION. 322C.16 Extension of time.

10 Sections 537.2503 and 537.3402 notwithstanding, if the
11 holder of a retail installment contract in connection with the
12 purchase or sale of a motor home, at the request of the buyer,
13 renews the loan or extends the scheduled due date of all or
14 any part of an installment or installments, the holder may
15 restate the amount of installments and the time schedule for
16 paying installments and collect for installments, subject to
17 the renewal or extension, a finance charge on the outstanding
18 declining balance of the amount financed for the period of
19 the extension or renewal. The finance charge on a renewal or
20 extension under this subsection shall not exceed the rate on
21 the original retail installment contract as limited by section
22 322C.15.

23 Sec. 45. NEW SECTION. 322C.17 Remaining balance on trade
24 vehicle.

25 The extension of credit by a retail seller to a retail
26 buyer, pursuant to a retail installment contract, of the amount
27 actually paid or to be paid by the retail seller to discharge
28 a purchase-money security interest, as provided in section
29 554.9103, on a motor home traded in by the retail buyer shall
30 not subject the retail seller to the provisions of chapter 536
31 or 536A.

32 Sec. 46. NEW SECTION. 322C.18 Complaints.

33 Any retail buyer having reason to believe that the
34 provisions of this chapter relating to the buyer's installment
35 contract have been violated may file with the department a

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1 written complaint setting forth the details of such alleged
2 violation and the department, upon the receipt of such
3 complaint, may inspect the pertinent books, records, letters
4 and contracts of the licensee or other person relating to such
5 specific complaint.

6 Sec. 47. NEW SECTION. 322C.19 Hearings — subpoenas.

7 1. The department of transportation and the department
8 of inspections and appeals may issue subpoenas to compel the
9 attendance of witnesses and the production of documents,
10 papers, books, records, and other evidence in any matter over
11 which the respective department has jurisdiction, control, or
12 supervision pertaining to this chapter.

13 2. If a person refuses to obey a subpoena, to give
14 testimony, or to produce evidence as required, a judge of the
15 district court of the state of Iowa in and for Polk county
16 may, upon application and proof of the refusal, make an order
17 awarding process of subpoena, or subpoena duces tecum, out of
18 the court, for the witness to appear before the respective
19 department, to give testimony, and to produce evidence as
20 required. Upon filing the order in the office of the clerk of
21 the district court, the clerk shall issue process of subpoena
22 as directed, under the seal of the court, requiring the
23 person to whom it is directed to appear at the time and place
24 designated.

25 Sec. 48. NEW SECTION. 322C.20 Construction and
26 applicability to contracts.

27 Nothing in this chapter shall be construed to impair the
28 obligations of a contract or to prevent a licensee hereunder
29 from requiring performance of a written contract entered into
30 with another licensee hereunder, nor shall the requirement
31 of such performance constitute a violation of any of the
32 provisions of this chapter.

33 Sec. 49. NEW SECTION. 322C.21 Applicability of Iowa
34 consumer credit code.

35 1. The provisions of the Iowa consumer credit code, chapter

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1 537, shall apply to a consumer credit sale in which a licensed
2 motor home dealer participates or engages, and any violation of
3 that code shall be a violation of this chapter.

4 2. Article 2, parts 5 and 6, and article 3, sections
5 537.3203, 537.3206, 537.3209, 537.3304, 537.3305, and 537.3306
6 shall apply to any credit transaction as defined in section
7 537.1301, that is a retail installment transaction. For the
8 purpose of applying provisions of the consumer credit code in
9 those transactions, "*consumer credit sale*" shall include a sale
10 for a business purpose.

11 3. A provision of the Iowa consumer credit code, chapter
12 537, shall supersede a conflicting provision of this chapter.

13 Sec. 50. Section 322G.1, Code 2011, is amended to read as
14 follows:

15 **322G.1 Legislative intent.**

16 The general assembly recognizes that a motor vehicle
17 is a major consumer acquisition and that a defective motor
18 vehicle undoubtedly creates a hardship for the consumer. The
19 general assembly further recognizes that a duly franchised
20 motor vehicle or motor home dealer is an authorized service
21 agent of the manufacturer. It is the intent of the general
22 assembly that a good faith motor vehicle warranty complaint by
23 a consumer be resolved by the manufacturer within a specified
24 period of time. It is further the intent of the general
25 assembly to provide the statutory procedures whereby a consumer
26 may receive a replacement motor vehicle, or a full refund,
27 for a motor vehicle which cannot be brought into conformity
28 with the warranty provided for in this chapter. However,
29 this chapter does not limit the rights or remedies which are
30 otherwise available to a consumer under any other law.

31 Sec. 51. Section 322G.2, subsection 12, Code 2011, is
32 amended to read as follows:

33 12. "*Manufacturer*" means a person engaged in the business
34 of constructing or assembling new motor vehicles or installing
35 on previously assembled vehicle chassis special bodies or

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1 equipment which, when installed, form an integral part of the
2 new motor vehicle, or a person engaged in the business of
3 importing new motor vehicles into the United States for the
4 purpose of selling or distributing the new motor vehicles to
5 new motor vehicle or motor home dealers.

6 Sec. 52. Section 423C.2, subsection 3, Code 2011, is amended
7 to read as follows:

8 3. "*Lessor*" means a person engaged in the business of
9 renting automobiles to users. "*Lessor*" includes a motor
10 vehicle or motor home dealer licensed pursuant to chapter 322
11 or 322C who rents automobiles to users. For this purpose,
12 the objective of making a profit is not necessary to make the
13 renting activity a business.

14 Sec. 53. Section 535.2, subsection 2, paragraph b,
15 subparagraph (6), Code Supplement 2011, is amended to read as
16 follows:

17 (6) With respect to any transaction referred to in paragraph
18 "*a*" of this subsection, this subsection supersedes any
19 interest-rate or finance-charge limitations contained in the
20 Code, including but not limited to this chapter and chapters
21 321, 322, 322C, 524, 533, 534, 536A, and 537.

22 Sec. 54. Section 537.2201, subsection 1, Code 2011, is
23 amended to read as follows:

24 1. With respect to a consumer credit sale, other than a
25 sale pursuant to open end credit, a creditor may contract for
26 and receive a finance charge not exceeding the maximum charge
27 permitted by the law of this state or the United States for
28 similar creditors. In addition, with respect to a consumer
29 credit sale of goods or services, other than a sale pursuant
30 to open end credit or a sale of a motor vehicle, a creditor may
31 contract for and receive a finance charge not exceeding that
32 permitted in subsections 2 to 6. With respect to a consumer
33 credit sale of a motor vehicle, a creditor may contract for
34 and receive a finance charge as provided in section 322.19 or
35 322C.15, and a finance charge in excess of that provided in

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1 section 322.19 or 322C.15, is an excess charge in violation of
2 this chapter.

3 Sec. 55. Section 602.8102, Code 2011, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 55A. Carry out duties relating to the
6 licensing of motor home dealers as provided in section 322C.19.

7 Sec. 56. TRANSITION PROVISIONS. The department
8 of transportation shall establish procedures for the
9 implementation of this Act. The procedures shall provide
10 for the transition of the licensure of motor home dealers,
11 manufacturers, wholesalers, and distributors under chapter 322,
12 Code 2011, to licensure under chapter 322C, as amended by this
13 Act.

14 Sec. 57. EFFECTIVE UPON ENACTMENT. The following
15 provisions of this Act, being deemed of immediate importance,
16 take effect upon enactment:

17 1. The section of this Act enacting section 322.2,
18 subsection 14A.

19 2. The section of this Act amending section 322.36.

20 Sec. 58. APPLICABILITY.

21 1. The provisions of this Act enacting section 322.2,
22 subsection 14A, and amending section 322.36, apply to all
23 persons in the business of selling recreational vehicles, as
24 defined in section 322.2, as amended in this Act.

25 2. Unless otherwise provided, this Act applies to motor home
26 dealers, manufacturers, wholesalers, and distributors applying
27 for initial licensure or renewal of licensure on or after July
28 1, 2012.

29 3. Unless otherwise provided, this Act applies to all motor
30 home dealers, manufacturers, wholesalers, and distributors on
31 July 1, 2014.

32 EXPLANATION

33 This bill relates to motor home dealer licensing and the
34 business hours of recreational vehicle dealers.

35 The bill amends Code section 322.2 by adding a definition

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1 for "recreational vehicle" which means a motor home or travel
2 trailer. The bill amends the definition of "motor vehicle" for
3 purposes of Code chapter 322 by excluding "motor home" from
4 the definition. The bill provides that a person who sells
5 recreational vehicles is not required to maintain regular
6 business hours at the principal place of business or another
7 place of business. The bill does require a person selling
8 recreational vehicles to post business contact information and
9 a business telephone number in a conspicuous location in the
10 place of business. The business telephone must be answered
11 by an employee of the dealer or by a recorded message which
12 provides the business's contact information.

13 The bill requires motor home dealers, manufacturers,
14 wholesalers, and distributors to be licensed under Code
15 chapter 322C, rather than Code chapter 322. Under the bill,
16 the department of transportation may employ employees as is
17 necessary to administer the licensing requirements for motor
18 home dealers, manufacturers, wholesalers, and distributors
19 without the Code chapter 322 limitation that the amount
20 expended in a year cannot exceed the amount generated.

21 The bill amends Code chapter 322C.3 to add that the
22 prohibited acts therein apply to motor home dealers,
23 manufacturers, and sales. Code chapters 322 and 322C contain
24 similar prohibitions on a person engaging in the sale of new
25 vehicles or motor homes and used vehicles or motor homes and
26 entering into contracts with manufacturers or distributors for
27 the motor vehicles or motor homes. However, unlike in Code
28 chapter 322, Code chapter 322C does not specifically require
29 the separate licensing of persons employed as salespersons.

30 The bill amends Code section 322C.3 to include provisions
31 regarding a manufacturer or distributor's retaliatory action,
32 entrance into retail installment agreements, the sale of motor
33 homes on Sunday, fraudulent practices, arbitration, and the
34 amount of compensation. These provisions are substantially
35 similar to provisions in Code section 322.3.

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1 Unlike Code section 322.3, the bill does not prohibit a
2 person from selling a motor home from a location other than
3 the person's place of business and also does not prohibit a
4 manufacturer from having ownership or interest in a dealership.

5 The bill amends Code section 322C.3 to provide that a person
6 is not required to obtain a license as a motor home dealer if
7 disposing of a motor home so long as the person is exercising
8 a power or right granted by certain legal instruments or
9 agreements. Code chapter 322 does not contain a similar
10 provision.

11 The bill amends Code section 322C.4 regarding application
12 for licensure as a dealer. Unlike in Code chapter 322, an
13 application for licensure, under the provisions of the bill,
14 would not need to include a statement of the applicant's
15 previous history, a description of the general plan, or a
16 method of doing business.

17 The bill amends Code section 322C.4 to require a motor home
18 dealer to furnish a surety bond, proof of financial liability
19 coverage, and certification of the requisite educational
20 requirements as is required under Code chapter 322. Unlike
21 in Code chapter 322, the bill does not provide requirements
22 for the information included in a dealer license once the
23 license is granted. Additionally, under the provisions of the
24 bill, motor home dealer licensees would be required to submit
25 supplemental statements within 15 days and pay a \$35 fee. Code
26 chapter 322 did not specify a fee or the number of days within
27 which to submit a supplemental statement for dealer licenses.

28 The bill adds provisions to Code chapter 322C regarding
29 temporary permits and display of licenses to mirror provisions
30 in Code chapter 322.

31 The bill amends Code section 322C.6, relating to the denial,
32 suspension, or revocation of a dealer or manufacturer license
33 to add similar provisions to those provided in Code section
34 322.6. Code chapters 322 and 322C contain different criterion
35 for denial, suspension, or revocation of a license. The bill

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1 amends Code section 322C.6 to add the following reasons for
2 the department to deny, revoke, or suspend a license that
3 are contained in Code section 322.9: failing to deliver a
4 motor home upon its sale or transfer, failing to obtain a
5 manufacturer's or importer's certificate upon the purchase of a
6 motor home, and failing to obtain a new certificate of title.

7 The bill amends Code chapter 322C to add Code section 322C.6A
8 regarding continuing education requirements for used motor home
9 dealers, referencing the specific provisions for such education
10 in Code section 322.7A.

11 The bill adds Code section 322C.8 regarding wholesaler and
12 distributor's licenses. This provision is similar to that
13 provided in Code sections 322.27A and 322.28.

14 The bill amends Code section 322C.9, regarding the license
15 and application fees for a manufacturer or distributor
16 to include license and application fees for motor home
17 manufacturers, distributors, and wholesalers. The additions
18 are similar to that provided in Code section 322.29.

19 Unlike in Code chapter 322, which has a penalty of a
20 simple misdemeanor and a fine for violation of the chapter,
21 Code section 322C.11 provides that a person who violates
22 the provisions regarding prohibited acts of dealers and a
23 manufacturer or distributor engaging in business in the state
24 without a license is guilty of a serious misdemeanor.

25 The bill also adds provisions to Code chapter 322C regarding
26 copy of a contract to a buyer, dual-interest insurance, finance
27 charges, extension of time in a retail installment contract,
28 remaining balance on trade vehicles, complaints, hearings,
29 the construction and applicability to contracts, and the
30 applicability of the Iowa consumer credit code as related to
31 motor home sales, dealers, manufacturers, wholesalers, and
32 distributors. These provisions mirror those contained in Code
33 chapter 322.

34 Unlike in Code sections 322.10 and 322.11, the bill does
35 not explicitly provide for judicial review of the department's

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1 actions and injunctions related to motor home dealers,
2 manufacturers, wholesalers, and distributors in Code chapter
3 322C. Code chapter 322C also does not explicitly contain
4 language allowing the department to adopt rules related
5 to motor home dealers, manufacturers, wholesalers, and
6 distributors.

7 The bill also makes conforming amendments regarding the
8 licensing for motor homes.

9 The bill requires the department of transportation to
10 establish rules to implement the bill. The bill provides
11 that the provisions of the bill enacting Code section 322.2,
12 subsection 14A, regarding the definition of recreational
13 vehicles, and the section amending Code section 322.36
14 regarding dealer business hours are effective upon enactment
15 and apply to all persons in the business of selling
16 recreational vehicles, as defined by the bill.

17 The bill applies to motor home dealers, manufacturers,
18 wholesalers, and distributors applying for initial or renewal
19 of licensure on or after July 1, 2012, and applies on July 1,
20 2014, to all motor home dealers, manufacturers, wholesalers,
21 and distributors.



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House File 2123 - Introduced

HOUSE FILE 2123
BY LUKAN

A BILL FOR

1 An Act repealing the film, television, and video project
2 promotion program, and including effective date and
3 retroactive and other applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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mm/sc



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H.F. 2123

1 Section 1. Section 2.48, subsection 3, paragraph c,
2 subparagraph (5), Code 2011, is amended by striking the
3 subparagraph.

4 Sec. 2. Section 15.119, subsection 2, paragraph b, Code
5 Supplement 2011, is amended by striking the paragraph.

6 Sec. 3. Section 422.7, subsection 52, Code Supplement 2011,
7 is amended by striking the subsection.

8 Sec. 4. Section 422.33, subsections 23 and 24, Code
9 Supplement 2011, are amended by striking the subsections.

10 Sec. 5. Section 422.35, subsection 23, Code Supplement
11 2011, is amended by striking the subsection.

12 Sec. 6. Section 422.60, subsections 10 and 11, Code
13 Supplement 2011, are amended by striking the subsections.

14 Sec. 7. Section 533.329, subsection 2, paragraphs f and g,
15 Code Supplement 2011, are amended by striking the paragraphs.

16 Sec. 8. REPEAL. Sections 15.391, 15.392, 15.393, 422.11T,
17 422.11U, 432.12J, and 432.12K, Code and Code Supplement 2011,
18 are repealed.

19 Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
20 immediate importance, takes effect upon enactment.

21 Sec. 10. RETROACTIVE APPLICABILITY. This Act applies
22 retroactively to January 1, 2012, for tax years beginning on
23 or after that date.

24 Sec. 11. APPLICABILITY. This Act does not apply to
25 contracts or agreements entered into on or before the effective
26 date of this Act.

27 EXPLANATION

28 This bill repeals the film, television, and video project
29 promotion program within the economic development authority.
30 The bill also repeals the various tax credits and tax
31 exclusions provided under the program. The repeal takes effect
32 immediately upon enactment and applies retroactively to January
33 1, 2012, for tax years beginning on or after that date. The
34 bill does not impact existing contracts or agreements entered
35 into on or before the effective date of the bill. The bill

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1 makes changes corresponding to the repeal of the program and
2 the related tax credits and exclusions.



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House File 2124 - Introduced

HOUSE FILE 2124
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 522)

A BILL FOR

1 An Act exempting review services from specified requirements
2 otherwise applicable to the performance of attest services
3 by out-of-state certified public accounting firms.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5147HV (1) 84
rn/nh



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H.F. 2124

1 Section 1. Section 542.20, subsection 5, paragraph a, Code
2 2011, is amended to read as follows:

3 a. The firm shall not perform attest services, other than
4 review services, in Iowa or for a client having a home office
5 in Iowa.

6 Sec. 2. Section 542.20, subsection 5, paragraph c, Code
7 2011, is amended to read as follows:

8 c. The firm may perform compilation or review services only
9 if it complies with the ownership and peer review requirements
10 of section 542.7.

11 Sec. 3. Section 542.20, subsection 6, paragraph c, Code
12 2011, is amended to read as follows:

13 c. An individual who provides attest services, other than
14 review services, in Iowa or for a client having a home office
15 in Iowa must practice through a certified public accounting
16 firm that is licensed under section 542.7.

17 Sec. 4. Section 542.20, subsection 6, Code 2011, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. h. An individual who provides reviews of
20 financial statements, as provided in section 542.3, subsection
21 1, in Iowa or for a client having a home office in Iowa must
22 provide such services through a certified public accounting
23 firm that is validly licensed in the state of its principal
24 place of business and complies with the peer review and
25 ownership provisions of section 542.7.

26 EXPLANATION

27 This bill exempts review services performed by out-of-state
28 certified public accounting firms from permit to practice
29 requirements otherwise applicable to the performance of attest
30 services by such firms. Review services are included within
31 the definition of "attest services" pursuant to Code section
32 542.3, subsection 1. The bill requires review services to
33 be provided through a certified public accounting firm that
34 is validly licensed in the state of its principal place of
35 business and subjects the performance of such services to

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1 ownership and peer review provisions contained in Code section
2 542.7.



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House Joint Resolution 2005 - Introduced

HOUSE JOINT RESOLUTION 2005
BY WINDSCHITL, BAUDLER,
PETTENGILL, GARRETT,
BRANDENBURG, ALONS,
DEYOE, PAULSEN, J. TAYLOR,
VANDER LINDEN, SCHULTZ,
HELLAND, CHAMBERS, FRY,
WAGNER, KLEIN, MASSIE,
JORGENSEN, KAUFMANN,
WATTS, SWEENEY, RASMUSSEN,
HUSEMAN, HAGENOW, DE BOEF,
ROGERS, SODERBERG, COWNIE,
J. SMITH, LOFGREN,
GRASSLEY, SHAW, SANDS,
PEARSON, L. MILLER, and
UPMEYER

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to an individual's right to
3 acquire, keep, possess, transport, carry, transfer, and use
4 arms.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rh/rj



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H.J.R. 2005

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Article I of the Constitution of the State of Iowa is amended
4 by adding the following new section:

5 Right to acquire, keep, possess, transport, carry, transfer,
6 and use arms. SEC. 1A. The right of an individual to acquire,
7 keep, possess, transport, carry, transfer, and use arms to
8 defend life and liberty and for all other legitimate purposes
9 is fundamental and shall not be infringed upon or denied.

10 Mandatory licensing, registration, or special taxation as a
11 condition of the exercise of this right is prohibited, and any
12 other restriction shall be subject to strict scrutiny.

13 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
14 amendment to the Constitution of the State of Iowa is referred
15 to the general assembly to be chosen at the next general
16 election for members of the general assembly and the secretary
17 of state is directed to cause the same to be published for
18 three consecutive months previous to the date of that election
19 as provided by law.

20 EXPLANATION

21 This joint resolution proposes an amendment to the
22 Constitution of the State of Iowa providing that the right of
23 an individual to acquire, keep, possess, transport, carry,
24 transfer, and use arms to defend life and liberty and for all
25 other legitimate purposes is fundamental and shall not be
26 infringed upon or denied. Mandatory licensing, registration,
27 or special taxation as a condition of the exercise of this
28 right is prohibited, and any other restriction shall be subject
29 to strict scrutiny.

30 The joint resolution, if adopted, would be referred to the
31 next general assembly for adoption a second time before being
32 submitted to the electorate for ratification.



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House Resolution 104 - Introduced

HOUSE RESOLUTION NO. 104

BY MURPHY

1 A Resolution urging Congress to save Social Security.

2 WHEREAS, the United States Congress and the current
3 federal administration are considering cuts and other
4 changes in Social Security and many other federal and
5 state human services programs; and

6 WHEREAS, the rights and benefits of working people
7 across America have already been drastically cut and
8 curtailed; and

9 WHEREAS, Social Security provides essential
10 financial support to 54.8 million people in the United
11 States, including 35.1 million retired workers; and

12 WHEREAS, Social Security provides modest benefits
13 averaging \$14,000 per year for retired workers, based
14 on contributions paid into Social Security over a
15 worker's lifetime of employment; and

16 WHEREAS, Americans deserve thoughtful and fair
17 Social Security reform to protect current and future
18 benefits and to ensure ongoing retirement security for
19 seniors, protections for persons who become disabled,
20 and benefits for the young children and spouses of
21 deceased and disabled workers; NOW THEREFORE,

22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
23 That the House of Representatives urges the United
24 States Congress to ensure that Social Security remains
25 a critical source of protection for the people of
26 the United States and their families without further
27 increasing the retirement age or otherwise decreasing
28 benefits; and

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1 BE IT FURTHER RESOLVED, That the Chief Clerk of the
2 House of Representatives is directed to distribute
3 copies of this resolution to the Iowa congressional
4 delegation.



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House Resolution 105 - Introduced

HOUSE RESOLUTION NO. 105

BY ABDUL-SAMAD, GAINES, COWNIE, KRESSIG, HUNTER,
T. TAYLOR, WILLEMS, GASKILL, PETTENGILL, KAUFMANN,
KOESTER, RUNNING-MARQUARDT, VANDER LINDEN, HEATON,
WESSEL-KROESCHELL, H. MILLER, PETERSEN, SCHULTE,
HUSEMAN, KELLEY, JACOBY, HEIN, ARNOLD, BERRY,
WATTS, KEARNS, LENSING, ISENHART, ALONS, HALL,
DE BOEF, STECKMAN, LYKAM, MUHLBAUER, MASCHER, M.
SMITH, COHOON, WITTNEBEN, WINCKLER, THEDE, HANSON,
KAJTAZOVIC, HEDDENS, and DEYOE

1 A Resolution remembering and honoring the Tuskegee
2 Airmen.

3 WHEREAS, at a time when the United States is again
4 combating terrorism, it is good to remember an earlier
5 time when bloodshed and terror surrounded the globe,
6 and Americans stepped forward and put themselves in
7 harm's way — among them were the Tuskegee Airmen; and

8 WHEREAS, at the dawn of World War II the 66th
9 Air Force Flying School at Tuskegee Institute was
10 established to train African-American pilots for the
11 war; and

12 WHEREAS, almost 1,000 African-Americans trained at
13 the Tuskegee Army Air Field in Tuskegee, Alabama, and
14 450 of the men were sent overseas for combat duty; and

15 WHEREAS, these pilots were known as "Tuskegee
16 Airmen" and were nicknamed "Red-Tail Angels" after the
17 red tail markings on their aircraft; and

18 WHEREAS, the 99th Fighter Squadron was sent to
19 North Africa in the spring of 1943 for combat duty and
20 in 1944, they were joined by other African-American

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21 squadrons to form the 332nd Fighter Squadron, which
22 flew missions over Sicily, the Mediterranean, and North
23 Africa; and

24 WHEREAS, the Tuskegee Airmen compiled an outstanding
25 record, completing more than 1,500 missions, destroying
26 260 enemy aircraft, sinking an enemy destroyer, and
27 demolishing other enemy installations; and

28 WHEREAS, during the war, 66 Tuskegee Airmen were
1 killed in action and 32 were held as prisoners of
2 war; and

3 WHEREAS, through their exploits the Tuskegee Airmen
4 helped end segregation in the military; and

5 WHEREAS, the Tuskegee Airmen were awarded numerous
6 honors, including the Congressional Gold Medal, awarded
7 during a ceremony with President George W. Bush in
8 2007; NOW THEREFORE,

9 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
10 the House of Representatives honors the brave service
11 of the Tuskegee Airmen and thanks them for their
12 service to the cause of freedom.

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House Resolution 106 - Introduced

HOUSE RESOLUTION NO. 106

BY RAECKER

1 A Resolution recognizing February 2012 as Opportunity
2 in Iowa Month.

3 WHEREAS, Iowans are keenly aware of the challenges
4 facing our state and country in regards to economic
5 mobility and the ability of Americans to reach the
6 American dream; and

7 WHEREAS, Iowa's history is steeped in successful
8 stories of both individual and collective economic
9 achievements; and

10 WHEREAS, our State's motto "Our Liberties We Prize
11 and Our Rights We Will Maintain" reflects our belief
12 that the American values of loyalty, justice, truth,
13 courage, and success for all are undeniable virtues of
14 our state heritage; and

15 WHEREAS, generations of Iowans have invested
16 their blood, sweat, and tears to provide for their
17 friends, families, and neighbors, so much so that their
18 collective efforts are often referred to as the "Iowa
19 Work Ethic"; and

20 WHEREAS, Opportunity Nation, a national bipartisan
21 initiative, is working to build a national dialogue on
22 opportunity as a core American value that desperately
23 needs to be injected into the public conversation; and

24 WHEREAS, Opportunity Nation believes that through
25 commitment, intelligence, and partnership, we can
26 reenergize this public value in American discourse as
27 a vital national goal; and

28 WHEREAS, the General Assembly recognizes that

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1 opportunity is a cherished value held by all
2 Iowans; NOW THEREFORE,
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
4 That the House of Representatives recognizes the
5 month of February 2012 as Opportunity in Iowa Month
6 and encourages Iowans and all public and private
7 organizations to conduct events or activities with the
8 theme of "Opportunity in Iowa".



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House Resolution 107 - Introduced

HOUSE RESOLUTION NO. 107

BY HAGER, SWEENEY, KLEIN, PAUSTIAN, PEARSON, MASSIE,
SANDS, SODERBERG, COWNIE, GRASSLEY, WORTHAN, MOORE,
ARNOLD, HORBACH, VAN ENGELENHOVEN, RASMUSSEN,
WINDSCHITL, JORGENSEN, BAUDLER, WATTS, HUSEMAN,
LOFGREN, DE BOEF, PETTENGILL, TJEPKES, HELLAND,
UPMEYER, MUHLBAUER, ALONS, VANDER LINDEN,
BRANDENBURG, LUKAN, HEATON, WITTNEBEN, IVERSON,
SHAW, and HEIN

1 A Resolution opposing proposed federal regulations for
2 agricultural child labor.

3 WHEREAS, on September 2, 2011, the United States
4 Department of Labor published new proposed regulations
5 which would severely restrict the ability of youth to
6 engage in agricultural work; and

7 WHEREAS, working on a farm has long been a way of
8 life for thousands of youth across rural America; and

9 WHEREAS, the proposed regulations will adversely
10 impact the long-standing tradition of youth working on
11 farms to gain valuable skills and lessons in hard work,
12 character, and leadership; and

13 WHEREAS, the proposed regulations would be
14 detrimental to the opportunity for youth to find
15 educational, gainful, and hands-on work experience; and

16 WHEREAS, all farms depend on the contributions of
17 youth for their successful operation; and

18 WHEREAS, the proposed regulations would limit
19 opportunities to recruit young farmers to agriculture
20 at a time when the average age of farmers continues to
21 rise; and



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1 WHEREAS, a strong, enduring agricultural sector
2 is vital to this country's long-term economic
3 security; and

4 WHEREAS, the proposed regulations demonstrate
5 a profound lack of understanding of agricultural
6 traditions and practices in this country; and

7 WHEREAS, the Department of Labor has received
8 significant, compelling, detailed public comment from a
9 wide variety of knowledgeable persons and organizations
10 opposing the proposed regulations; NOW THEREFORE,

11 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
12 That the House of Representatives urges the United
13 States Department of Labor to withdraw the proposed
14 regulations; and

15 BE IT FURTHER RESOLVED, That the House of
16 Representatives urges President Barack Obama to
17 rescind the proposed regulations if they should become
18 effective; and

19 BE IT FURTHER RESOLVED, That the House of
20 Representatives urges Congress to overturn the proposed
21 regulations if they should become effective; and

22 BE IT FURTHER RESOLVED, That the Chief Clerk of the
23 House of Representatives is directed to forward a copy
24 of this resolution to President Barack Obama; United
25 States Secretary of Labor Hilda L. Solis; United States
26 Secretary of Agriculture Tom Vilsack; Representative
27 John Boehner, Speaker of the United States House of
28 Representatives; Senator Harry Reid, Senate Majority
29 Leader; Representative Eric Cantor, House Majority
30 Leader; Senator Mitch McConnell, Senate Minority

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- 1 Leader; Representative Nancy Pelosi, House Minority
- 2 Leader; and Iowa's Congressional delegation.



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House Study Bill 563 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act enhancing the criminal penalty for an assault on a
2 public transit bus operator, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5628YC (2) 84
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1 Section 1. Section 708.3A, subsections 1 through 4, Code
2 2011, are amended to read as follows:

3 1. A person who commits an assault, as defined in section
4 708.1, against a peace officer, jailer, correctional staff,
5 member or employee of the board of parole, health care
6 provider, employee of the department of human services,
7 employee of the department of revenue, public transit bus
8 operator, or fire fighter, whether paid or volunteer, with the
9 knowledge that the person against whom the assault is committed
10 is a peace officer, jailer, correctional staff, member or
11 employee of the board of parole, health care provider, employee
12 of the department of human services, employee of the department
13 of revenue, public transit bus operator, or fire fighter and
14 with the intent to inflict a serious injury upon the peace
15 officer, jailer, correctional staff, member or employee of
16 the board of parole, health care provider, employee of the
17 department of human services, employee of the department of
18 revenue, public transit bus operator, or fire fighter, is
19 guilty of a class "D" felony.

20 2. A person who commits an assault, as defined in section
21 708.1, against a peace officer, jailer, correctional staff,
22 member or employee of the board of parole, health care
23 provider, employee of the department of human services,
24 employee of the department of revenue, public transit bus
25 operator, or fire fighter, whether paid or volunteer, who knows
26 that the person against whom the assault is committed is a
27 peace officer, jailer, correctional staff, member or employee
28 of the board of parole, health care provider, employee of the
29 department of human services, employee of the department of
30 revenue, public transit bus operator, or fire fighter and who
31 uses or displays a dangerous weapon in connection with the
32 assault, is guilty of a class "D" felony.

33 3. A person who commits an assault, as defined in section
34 708.1, against a peace officer, jailer, correctional staff,
35 member or employee of the board of parole, health care

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1 provider, employee of the department of human services,
2 employee of the department of revenue, public transit bus
3 operator, or fire fighter, whether paid or volunteer, who knows
4 that the person against whom the assault is committed is a
5 peace officer, jailer, correctional staff, member or employee
6 of the board of parole, health care provider, employee of the
7 department of human services, employee of the department of
8 revenue, public transit bus operator, or fire fighter, and
9 who causes bodily injury or mental illness, is guilty of an
10 aggravated misdemeanor.

11 4. Any other assault, as defined in section 708.1, committed
12 against a peace officer, jailer, correctional staff, member
13 or employee of the board of parole, health care provider,
14 employee of the department of human services, employee of the
15 department of revenue, public transit bus operator, or fire
16 fighter, whether paid or volunteer, by a person who knows that
17 the person against whom the assault is committed is a peace
18 officer, jailer, correctional staff, member or employee of
19 the board of parole, health care provider, employee of the
20 department of human services, employee of the department of
21 revenue, public transit bus operator, or fire fighter, is a
22 serious misdemeanor.

23 EXPLANATION

24 This bill enhances the criminal penalty for an assault on a
25 public transit bus operator. The bill adds a public transit
26 bus operator to the list of occupations covered under Code
27 section 708.3A.

28 Under the bill, if a person assaults a public transit bus
29 operator with the intent to inflict serious injury or uses a
30 dangerous weapon in connection with the assault, that person
31 commits a class "D" felony. If a person assaults a public
32 transit bus operator and causes bodily injury or mental
33 illness, that person commits an aggravated misdemeanor and
34 if the person commits any other type of assault, that person
35 commits a serious misdemeanor.

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1 Similar assaults without the enhanced penalties are
2 punishable as provided in Code section 708.2.
3 A serious misdemeanor is punishable by confinement for no
4 more than one year and a fine of at least \$315 but not more than
5 \$1,875. An aggravated misdemeanor is punishable by confinement
6 for no more than two years and a fine of at least \$625 but
7 not more than \$6,250. A class "D" felony is punishable by
8 confinement for no more than five years and a fine of at least
9 \$750 but not more than \$7,500.



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House Study Bill 564 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL BY
CHAIRPERSON RAYHONS)

A BILL FOR

1 An Act relating to pheasant hunting season and bag limits.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5233HC (3) 84
av/nh



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H.F. _____

1 Section 1. NEW SECTION. 481A.49 Pheasant hunting — season
2 — bag limits.

3 1. The open season for hunting pheasants shall be the last
4 Saturday in October through December 15.

5 2. The daily bag limit is two cock birds and the possession
6 limit is eight cock birds.

7 3. The commission shall adopt rules pursuant to chapter 17A
8 to implement this section.

9 Sec. 2. Section 805.8B, subsection 3, paragraph h,
10 unnumbered paragraph 1, Code 2011, is amended to read as
11 follows:

12 For violations of ~~section~~ sections 481A.48 and 481A.49
13 relating to restrictions on game birds and animals and pheasant
14 hunting season and bag limits, the scheduled fines are as
15 follows:

16 EXPLANATION

17 This bill shortens the open season for hunting pheasants
18 by ending the season on December 15 instead of on January
19 10 of the succeeding year, as is currently allowed pursuant
20 to administrative rules adopted by the natural resource
21 commission. The bill also reduces the daily bag limit from
22 three to two cock birds and the possession limit from 12 to
23 eight cock birds. A violation of a provision of the bill
24 is subject to a scheduled fine pursuant to Code section
25 805.8B(3)(h) with the fine varying depending on the nature of
26 the violation.

27 The commission is required to adopt rules pursuant to Code
28 chapter 17A to implement the new provisions.



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House Study Bill 565 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL BY
CHAIRPERSON RAYHONS)

A BILL FOR

1 An Act concerning the definitions of "all-terrain vehicle"
2 and "off-road utility vehicle" for purposes of provisions
3 administered by the department of natural resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5443YC (1) 84
dea/nh



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1 Section 1. Section 321I.1, subsection 1, paragraph a, Code
2 2011, is amended to read as follows:

3 a. *"All-terrain vehicle"* means a motorized ~~flotation-tire~~
4 vehicle with not less than three and not more than six
5 ~~low-pressure~~ nonhighway tires that has a width not exceeding
6 fifty inches and is limited in engine displacement to less than
7 one thousand cubic centimeters and in total dry weight to less
8 than one thousand two hundred pounds ~~and that has a seat or~~
9 ~~saddle designed to be straddled by the operator and handlebars~~
10 ~~for steering control.~~

11 Sec. 2. Section 321I.1, subsection 16, paragraph a, Code
12 2011, is amended to read as follows:

13 a. *"Off-road utility vehicle"* means a motorized
14 ~~flotation-tire~~ vehicle with not less than four and not more
15 than eight ~~low-pressure~~ nonhighway tires that has a width
16 not exceeding sixty-five inches and is limited in engine
17 displacement to less than one thousand five hundred cubic
18 centimeters and in total dry weight to not more than ~~one~~ two
19 thousand ~~eight hundred~~ pounds ~~and that has a seat that is of~~
20 ~~bucket or bench design, not intended to be straddled by the~~
21 ~~operator, and a steering wheel or control levers for control.~~

22 EXPLANATION

23 This bill revises the definitions of "all-terrain vehicle"
24 and "off-road utility vehicle" for purposes of Code chapter
25 321I.

26 The definition of "all-terrain vehicle" is amended to
27 include vehicles with not less than three and not more than
28 six nonhighway tires. In addition, the revised definition
29 limits the width of all-terrain vehicles to not more than 50
30 inches, limits the engine displacement to less than 1,000 cubic
31 centimeters, limits the dry weight to less than 1,200 pounds,
32 and omits current requirements for a seat or saddle designed
33 to be straddled by the operator and handlebars for steering
34 control.

35 The definition of "off-road utility vehicle" is amended to

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1 include vehicles with not less than four and not more than
2 eight nonhighway tires. In addition, the revised definition
3 limits the width of an off-road utility vehicle to not more
4 than 65 inches, limits the engine displacement to less than
5 1,500 cubic centimeters, limits the total dry weight to not
6 more than 2,000 pounds, and omits current requirements for a
7 bucket or bench seat and a steering wheel or control levers.



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House Study Bill 566 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON FORRISTALL)

A BILL FOR

- 1 An Act extending the duration of the Iowa early intervention
- 2 block grant program and including effective date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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kh/rj



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H.F. _____

1 Section 1. Section 256D.9, Code 2011, is amended to read as
2 follows:

3 **256D.9 Future repeal.**

4 This chapter is repealed effective July 1, ~~2012~~ 2013.

5 Sec. 2. EFFECTIVE DATE. This Act takes effect June 30,
6 2012.

7 EXPLANATION

8 This bill continues until July 1, 2013, the Iowa early
9 intervention block grant program in the department of education
10 established in Code chapter 256D. The Code chapter specifies
11 how school districts may expend the early intervention
12 allocation school districts receive pursuant to Code section
13 257.10, subsection 11. Current law would eliminate the program
14 effective July 1, 2012.

15 The bill takes effect June 30, 2012.



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Senate File 2066 - Introduced

SENATE FILE 2066
BY BEALL

A BILL FOR

1 An Act relating to the award of expert witness fees in civil
2 cases and certain criminal cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 622.72, Code 2011, is amended to read as
2 follows:

3 **622.72 Expert witnesses — fee.**

4 Witnesses called to testify only to an opinion founded on
5 special study or experience in any branch of science, or to
6 make scientific or professional examinations and state the
7 result thereof, shall receive additional compensation, to be
8 fixed by the court, with reference to the value of the time
9 employed, and the degree of learning or skill required, but
10 ~~such additional compensation shall not exceed one hundred~~
11 ~~fifty dollars per day while so employed, and the reasonable~~
12 and customary fees charged by similarly situated experts for
13 similar services.

14 EXPLANATION

15 Current law provides that a court shall determine the amount
16 of fees to be awarded to an expert witness in a civil case
17 and in a criminal case except for an indigent criminal case
18 (Code section 815.5), upon consideration of the value of the
19 expert witness's time and degree of learning or skill required,
20 but such fees shall not exceed \$150 per expert per day. This
21 bill eliminates this limitation on the fee award and directs
22 the court to also consider the reasonable and customary fees
23 charged by similarly situated experts for similar services.



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Senate File 2067 - Introduced

SENATE FILE 2067
BY JOCHUM and HATCH

A BILL FOR

1 An Act relating to patient safety by establishing a nurse
2 staffing plan, a collaborative nurse staffing committee,
3 a patient safety committee, and reporting for nurses, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2067

1 DIVISION I
2 NURSE STAFFING AND COLLABORATIVE NURSE STAFFING COMMITTEES
3 Section 1. NEW SECTION. 135P.1 **Definitions.**
4 1. "*Acuity*" means the measure of a patient's severity of
5 illness or medical condition including but not limited to the
6 stability of physiological and psychological parameters and the
7 dependency needs of the patient and the patient's family.
8 2. "*Department*" means the department of inspections and
9 appeals.
10 3. "*Hospital*" means the same as defined in section 135B.1.
11 5. "*Mental health institute*" means a mental health institute
12 as described in chapter 226.
13 4. "*Mental illness*" means a substantial disorder of thought
14 or mood which significantly impairs judgment, behavior, or the
15 capacity to recognize reality or the ability to cope with the
16 ordinary demands of life.
17 6. "*Nursing care*" means those services which can be provided
18 only under the direction of a registered nurse or a licensed
19 practical nurse.
20 7. "*Nursing facility*" means the same as defined in section
21 135C.1.
22 8. "*Rehabilitative services*" means services to encourage and
23 assist restoration of optimum mental and physical capabilities
24 of the individual resident of a health care facility.
25 9. "*Resident*" means an individual admitted to a health care
26 facility in the manner prescribed by section 135C.23.
27 10. "*School nurse*" means a person who holds an endorsement
28 or a statement of professional recognition for school nurses
29 issued by the board of educational examiners.
30 11. "*Supervision*" means oversight and inspection of the act
31 of accomplishing a function or activity.
32 Sec. 2. NEW SECTION. 135P.2 **Hospital nurse staffing plan**
33 **and standards.**
34 1. A hospital shall approve, implement, and comply with a
35 direct care registered nurse staffing plan developed by the

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1 hospital's collaborative nurse staffing committee established
2 pursuant to section 135P.4. The plan shall provide for the
3 adequate, appropriate, and quality delivery of health care
4 services and protect patient safety.

5 2. Except as otherwise provided in this section, a
6 hospital's staffing plan shall provide that, at all times
7 during each shift within a unit of the hospital, a direct care
8 registered nurse may be assigned to not more than the following
9 number of patients in the specified unit:

10 a. One patient in a trauma emergency unit.

11 b. One patient in an operating room unit, provided that at
12 least one additional person serves as a scrub assistant in such
13 unit.

14 c. Two patients in a critical care unit, including neonatal
15 intensive care units, emergency critical care and intensive
16 care units, labor and delivery units, coronary care units,
17 acute respiratory care units, postanesthesia units, and burn
18 units.

19 d. Three patients in an emergency room unit, pediatrics
20 unit, stepdown unit, or combined labor, deliver, and postpartum
21 unit.

22 e. Four patients in a medical-surgical unit, intermediate
23 care nursery unit, acute care psychiatric unit, or other
24 specialty care unit.

25 f. Five patients in a rehabilitation unit or skilled nursing
26 unit.

27 g. Six patients in a postpartum unit or well-baby nursery
28 unit.

29 3. The department may apply minimum direct care registered
30 nurse-to-patient ratios established in subsection 2 for a
31 hospital unit referred to in that subsection to a type of
32 hospital unit not referred to in that subsection if the
33 hospital unit provides a level of care to patients whose needs
34 are similar to the needs of patients cared for in the hospital
35 unit referred to in that subsection.



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1 4. In developing the staffing plan, the collaborative nurse
2 staffing committee shall provide for direct care registered
3 nurse-to-patient ratios above the minimum ratios provided in
4 subsection 2, if appropriate, based upon consideration of the
5 following factors:

6 a. The number of patients and acuity level of patients
7 as determined by the application of an acuity system, on a
8 shift-by-shift basis.

9 b. The anticipated admissions, discharges, and transfers of
10 patients during each shift that impact direct patient care.

11 c. Specialized experience required of direct care registered
12 nurses on a particular unit.

13 d. Staffing levels and services provided by licensed
14 vocational or practical nurses, licensed psychiatric
15 technicians, certified nurse assistants, or other ancillary
16 staff in meeting direct patient care needs not required by a
17 direct care registered nurse.

18 e. The level of technology available that affects the
19 delivery of direct patient care.

20 f. The level of familiarity with hospital practices,
21 policies, and procedures by temporary agency direct care
22 registered nurses used during a shift.

23 g. Obstacles to efficiency in the delivery of patient care
24 presented by physical layout.

25 h. Other information relevant to patient care.

26 5. This section shall not be construed as a prohibition
27 on a hospital's ability to set standards that are at least
28 equivalent to the requirements under this section.

29 6. a. A hospital shall not average the number of patients
30 and the total number of direct care registered nurses assigned
31 to patients in a hospital unit during any one shift or over any
32 period of time for purposes of meeting the requirements under
33 this section.

34 b. A hospital shall not impose mandatory overtime
35 requirements to meet the hospital unit direct care registered

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1 nurse-to-patient ratios required under this section.

2 *c.* A hospital shall ensure that only a direct care
3 registered nurse may relieve another direct care registered
4 nurse during breaks, meals, and other routine, expected
5 absences from a hospital unit.

6 *d.* A hospital shall not encroach on the scope of practice of
7 a direct care registered nurse. A hospital shall not require a
8 direct care registered nurse to train a replacement if doing so
9 would compromise patient safety.

10 *e.* A hospital shall establish a system to document actual
11 staffing in each unit for each shift.

12 *f.* To the extent appropriate based on the staffing plan in
13 each unit in relation to actual patient care requirements and
14 the accuracy of the acuity system, a hospital shall annually
15 approve updates to the nurse staffing plan developed by the
16 collaborative nurse staffing committee.

17 *g.* Once developed, a hospital shall conspicuously post
18 the required staffing levels for each unit in the unit and in
19 waiting areas. The postings must be visible to hospital staff,
20 patients, and the public.

21 7. A hospital shall not discipline a direct care registered
22 nurse for refusing to accept an assignment if, in good faith
23 and in the nurse's professional judgment, the nurse determines
24 that the assignment is unsafe for patients due to patient
25 acuity and nursing intensity.

26 8. The requirements established in this section shall not
27 apply during a state of emergency if a hospital is requested or
28 expected to provide an exceptional level of emergency or other
29 medical services.

30 9. The requirements established in subsections 2, 3,
31 and 6 do not apply to entities designated as critical access
32 hospitals pursuant to 42 U.S.C. § 1395i-4. The nurse staffing
33 plan at a critical access hospital shall follow the standards
34 set in subsections 2, 3, and 6 as is reasonable based on the
35 hospital's needs and capabilities.

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1 10. The department may sanction a hospital for failure to
2 comply with this section, including failure to staff patient
3 care units at levels required in its staffing plan.

4 11. The department may adopt rules to enforce this section.

5 Sec. 3. NEW SECTION. 135P.3 Nursing facility and mental
6 health institute nurse staffing plan and standards.

7 1. A nursing facility or mental health institute shall
8 approve, implement, and comply with a direct care registered
9 nurse staffing plan developed by the facility's or institute's
10 collaborative nurse staffing committee established pursuant
11 to section 135P.4. The plan shall provide for the adequate,
12 appropriate, and quality delivery of health care services and
13 protect patient safety.

14 2. In developing the staffing plan, the collaborative nurse
15 staffing committee shall provide for direct care registered
16 nurse-to-patient ratios based upon consideration of the
17 following factors:

18 a. The number of patients and acuity level of patients
19 as determined by the application of an acuity system, on a
20 shift-by-shift basis.

21 b. The anticipated admissions, discharges, and transfers of
22 patients during each shift that impact direct patient care.

23 c. Specialized experience required of direct care registered
24 nurses on a particular unit.

25 d. Staffing levels and services provided by licensed
26 vocational or practical nurses, licensed psychiatric
27 technicians, certified nurse assistants, or other ancillary
28 staff in meeting direct patient care needs not required by a
29 direct care registered nurse.

30 e. The level of technology available that affects the
31 delivery of direct patient care.

32 f. The level of familiarity with the nursing facility's or
33 mental health institute's practices, policies, and procedures
34 by temporary agency direct care registered nurses used during a
35 shift.



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1 *g.* Obstacles to efficiency in the delivery of patient care
2 presented by physical layout.
3 *h.* Other information relevant to patient care.
4 3. *a.* A nursing facility or mental health institute
5 shall not average the number of patients and the total number
6 of direct care registered nurses assigned to patients in a
7 nursing facility or mental health institute unit during any one
8 shift or over any period of time for purposes of meeting the
9 requirements of a direct care registered nurse staffing plan
10 developed pursuant to this section.
11 *b.* A nursing facility or mental health institute shall not
12 impose mandatory overtime requirements to meet the nursing
13 facility or mental health institute unit direct care registered
14 nurse-to-patient ratios required by a direct care registered
15 nurse staffing plan developed pursuant to this section.
16 *c.* A nursing facility or mental health institute shall
17 ensure that only a direct care registered nurse may relieve
18 another direct care registered nurse during breaks, meals, and
19 other routine, expected absences from a nursing facility or
20 mental health institute unit.
21 *d.* A nursing facility or mental health institute shall not
22 encroach on the scope of practice of a direct care registered
23 nurse. A nursing facility or mental health institute shall not
24 require a direct care registered nurse to train a replacement
25 if doing so would compromise patient safety.
26 *e.* A nursing facility or mental health institute shall
27 establish a system to document actual staffing in each unit for
28 each shift.
29 *f.* To the extent appropriate based on the staffing plan in
30 each unit in relation to actual patient care requirements and
31 the accuracy of the acuity system, a nursing facility or mental
32 health institute shall annually approve updates to the nurse
33 staffing plan developed by the collaborative nurse staffing
34 committee.
35 *g.* Once developed, a nursing facility or mental health



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1 institute shall conspicuously post the required staffing levels
2 for each unit in the unit and in waiting areas. The postings
3 must be visible to nursing facility or mental health institute
4 staff, patients, and the public.

5 4. A nursing facility or mental health institute shall
6 not discipline a direct care registered nurse for refusing
7 to accept an assignment if, in good faith and in the nurse's
8 professional judgment, the nurse determines that the assignment
9 is unsafe for patients due to patient acuity and nursing
10 intensity.

11 5. The requirements established in this section shall not
12 apply during a state of emergency if a nursing facility or
13 mental health institute is requested or expected to provide an
14 exceptional level of emergency or other medical services.

15 6. The department may sanction a nursing facility for
16 failure to comply with the provisions of this section,
17 including failure to staff patient care units at levels
18 required in its staffing plan.

19 7. The department may adopt rules to enforce this section.

20 Sec. 4. NEW SECTION. 135P.4 Collaborative nurse staffing
21 committee.

22 1. A hospital, nursing facility, or mental health institute
23 shall establish a collaborative nurse staffing committee
24 comprised of nonsupervisory staff nurses. The membership of
25 the committee shall be apportioned among registered nurses,
26 licensed practical nurses, and advanced practice registered
27 nurses based upon the proportion of each type of nonsupervisory
28 nurse licensee to the total of all nonsupervisory nurses
29 employed by the hospital, nursing facility, or mental health
30 institute. Each member of the committee shall be appointed
31 respectively by other nonsupervisory nurses who hold the same
32 license. The committee shall include at least six members, and
33 shall meet at least annually. The hospital, nursing facility,
34 or mental health institute shall compensate the nurses who
35 are employed by the hospital, nursing facility, or mental

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1 health institute and serve on the collaborative nurse staffing
2 committee for time spent on committee business.

3 2. By majority vote, the committee may establish its own
4 rules and procedures, and shall set the term of membership.

5 3. a. The committee shall recommend a nurse staffing plan
6 to the hospital, nursing facility, or mental health institute
7 as provided under sections 135P.2 and 135P.3. If the hospital,
8 nursing facility, or mental health institute does not approve
9 the plan, the hospital, nursing facility, or mental health
10 institute shall provide a written response to the committee,
11 indicating the reasons for not approving the recommended nurse
12 staffing plan.

13 b. The committee shall annually evaluate its staffing
14 plan for each type of unit in relation to actual patient care
15 requirements and the accuracy of its acuity system. The
16 committee shall recommend updates to the nurse staffing plan
17 annually based on the evaluation. If the hospital, nursing
18 facility, or mental health institute does not approve the
19 updates, the hospital, nursing facility, or mental health
20 institute shall provide a written response to the committee,
21 indicating the reasons for not approving the recommended
22 updates to the nurse staffing plan.

23 c. The committee shall recommend a reporting system
24 for a nurse staffing violation that allows a person with
25 knowledge of the violation, including but not limited to
26 health care practitioners, hospital, nursing facility, or
27 mental health institute employees, patients, and visitors,
28 to make a report of the violation to the department. If the
29 committee makes a recommendation to the hospital, nursing
30 facility, or mental health institute and the hospital, nursing
31 facility, or mental health institute does not approve the
32 committee's recommendation, the hospital, nursing facility,
33 or mental health institute shall provide a written response
34 to the committee indicating the reasons for not approving the
35 recommendation.



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1 4. The committee may make other recommendations related
2 to providing direct care to patients. If the committee
3 makes a recommendation to the hospital, nursing facility, or
4 mental health institute and the hospital, nursing facility,
5 or mental health institute does not approve the committee's
6 recommendation, the hospital, nursing facility, or mental
7 health institute shall provide a written response to the
8 committee, indicating the reasons for not approving the
9 recommendation of the committee.

10 Sec. 5. NEW SECTION. 135P.5 School nurse staffing.

11 1. A school district shall approve, implement, and comply
12 with a school nurse staffing plan developed by the school
13 nurses in the district. The plan shall provide for the
14 adequate, appropriate, and quality delivery of health care
15 services.

16 2. In developing the school nurse staffing plan, the school
17 nurses shall consider the following factors:

18 a. The number of enrolled students in the school district.

19 b. The anticipated need for direct health care services at
20 each school in the district.

21 c. Staffing levels and services provided by licensed
22 vocational or practical nurses, licensed psychiatric
23 technicians, certified nurse assistants, or other ancillary
24 staff in meeting direct student health care needs not required
25 by a direct care registered nurse.

26 d. The level of technology available that affects the
27 delivery of direct student health care.

28 e. Obstacles to efficiency in the delivery of student health
29 care including the location of schools in the district.

30 f. Other information relevant to student health care.

31 3. The school nurse staffing plan shall include but is not
32 limited to:

33 a. The delivery of services that must be administered by a
34 school nurse.

35 b. The delivery of services that require direct supervision

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1 of a school nurse.

2 c. The delivery of services that require indirect
3 supervision of a school nurse.

4 4. If the school district does not approve the school
5 nurse staffing plan, it shall provide a written response to
6 the school nurses, indicating the reason for not following the
7 recommended school nurse staffing plan.

8 5. The school nurses shall annually evaluate the nurse
9 staffing plan and meet with the school board of the school
10 district for which the nurses are employed to recommend updates
11 to the school nurse staffing plan. If the school district does
12 not approve the updates it shall provide a written response to
13 the school nurses, indicating the reason for not following the
14 recommended updates to the nurse staffing plan.

15 6. The requirements established in this section shall
16 not apply during a state of emergency if a school district
17 is requested or expected to provide an exceptional level of
18 emergency or other medical services.

19 7. The school district must compensate school nurses
20 for time spent on developing and evaluating the school nurse
21 staffing plan.

22 8. The school nurses may make other recommendations related
23 to providing direct care to students in the school district.
24 If the school nurses make a recommendation to the school
25 district and the school district does not follow the school
26 nurses' recommendation, it shall provide a written response to
27 the school nurses, indicating the reason for not following the
28 recommendation.

29 Sec. 6. NEW SECTION. 152.13 Scope of practice.

30 The scope of practice of a direct care registered nurse shall
31 not be encroached by any person.

32 Sec. 7. Section 256.11, subsection 9B, Code 2011, is amended
33 to read as follows:

34 9B. Beginning July 1, 2007, each school district shall have
35 a school nurse to provide health services to its students.

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1 Each school district shall work toward the goal of having
2 at least one full-time school nurse for every seven hundred
3 fifty when more than two hundred students are enrolled in the
4 school district by 2015. Each school district shall approve,
5 implement, and comply with a nurse staffing plan pursuant to
6 section 135P.5. For purposes of this subsection, "school nurse"
7 means a person who holds an endorsement or a statement of
8 professional recognition for school nurses issued by the board
9 of educational examiners under chapter 272.

10 Sec. 8. EFFECTIVE DATE.

11 1. Except as otherwise provided by this Act, this division
12 of this Act takes effect July 1, 2013.

13 2. The minimum direct care registered nurse-to-patient
14 ratios established in sections 135P.2 and 135P.3, as enacted in
15 this division of this Act, and the school nurse staffing plan
16 established in section 135P.5, as enacted in this Act, shall
17 take effect not later than July 1, 2014, or in the case of a
18 critical access hospital as defined in 42 U.S.C. § 1395i-4, not
19 later than July 1, 2016.

20 DIVISION II

21 PATIENT SAFETY PLAN

22 Sec. 9. NEW SECTION. 135P.6 Patient safety plan.

23 1. A hospital, nursing facility, or mental health institute
24 shall develop, implement, and comply with a patient safety
25 plan for the purpose of improving the health and safety of
26 patients and reducing preventable patient safety events. The
27 patient safety plan shall be developed by the hospital, nursing
28 facility, or mental health institute in coordination with the
29 entity's health care professionals.

30 2. The patient safety plan shall, at a minimum, provide for
31 the establishment of all of the following:

32 a. A patient safety committee or a committee equivalent in
33 composition and function. The committee shall be comprised of
34 various health care professionals employed by the hospital,
35 nursing facility, or mental health institute, at least half

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1 of whom shall be direct care nurses. A hospital, nursing
2 facility, or mental health institute shall compensate the
3 health care professionals who are employed by the hospital,
4 nursing facility, or mental health institute and serve on the
5 patient safety committee or equivalent committee for time spent
6 on committee business.

7 *b.* The committee shall do all of the following:

8 (1) Review and approve the patient safety plan.

9 (2) Receive and review reports of patient safety events as
10 defined in subsection 3.

11 (3) Monitor implementation of corrective actions for
12 patient safety events.

13 (4) Make recommendations to eliminate future patient safety
14 events.

15 (5) Review and revise the patient safety plan at least
16 annually to evaluate and update the plan and to incorporate
17 advancements in patient safety practices.

18 *c.* A reporting system for patient safety events that allows
19 a person with knowledge of a patient safety event, including
20 but not limited to health care practitioners and hospital,
21 nursing facility, or mental health institute employees,
22 patients, and visitors, to make a report of a patient safety
23 event to the hospital, nursing facility, or mental health
24 institute. A reporting system shall support and encourage a
25 culture of safety and the reporting of patient safety events.

26 *d.* A process for a team of hospital, nursing facility, or
27 mental health institute staff to conduct analyses, including
28 but not limited to root cause analyses of patient safety
29 events. The team shall be composed of the entity's various
30 categories of health care professionals with the appropriate
31 competencies to conduct the required analyses.

32 *e.* A process for providing ongoing patient safety training
33 for hospital, nursing facility, or mental health institute
34 personnel and health care practitioners.

35 3. For the purposes of this section, patient safety events

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1 shall be defined by the patient safety plan and shall include
2 but are not limited to health-care-associated infections,
3 as defined in the federal centers for disease control and
4 prevention's national healthcare safety network, or its
5 successor, unless the department accepts the recommendation of
6 the healthcare-associated infection advisory committee, or its
7 successor, that are determined to be preventable.

8 Sec. 10. EFFECTIVE DATE.

9 1. Except as otherwise provided by this Act, this division
10 of this Act takes effect July 1, 2013.

11 2. The implementation of a hospital, nursing facility,
12 or mental health institute patient safety plan pursuant to
13 section 135P.6, as enacted in this Act, shall take effect not
14 later than July 1, 2014, or, in the case of a critical access
15 hospital as defined in 42 U.S.C. § 1395i-4, not later than July
16 1, 2016.

17 DIVISION III

18 PATIENT PROTECTION

19 Sec. 11. NEW SECTION. 135P.7 Retaliation prohibited —
20 remedies.

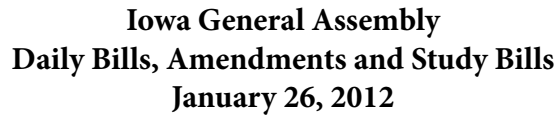
21 1. a. A hospital, nursing facility, mental health institute,
22 or school district shall not take retaliatory action against a
23 nurse as a reprisal when the nurse reports an action or event
24 to the hospital, nursing facility, mental health institute,
25 or school district or to the department or other applicable
26 entity, and the nurse reasonably believes, based on the nurse's
27 professional standards of care, professional code of ethics, or
28 other established guidelines for direct care workers including
29 but not limited to a patient safety plan or a nurse staffing
30 plan, that the action or event the nurse has observed occurring
31 at the hospital, nursing facility, mental health institute, or
32 school district is a material violation of health and safety
33 laws or a breach of public safety that has caused serious harm
34 to or creates a significant probability of serious harm to
35 patients or health care recipients.

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1 b. For purposes of this section, "*retaliatory action*"
2 includes but is not limited to an action by a hospital, nursing
3 facility, mental health institute, or school district to
4 discharge a nurse or to take or fail to take action regarding
5 a nurse's appointment or proposed appointment to, take or
6 fail to take action regarding a nurse's promotion or proposed
7 promotion to, or fail to provide an advantage in a position in
8 employment.

11 2. Subsection 1 may be enforced through a civil action.

16 b. When a person commits, is committing, or proposes to
17 commit an act in violation of subsection 1, an injunction may
18 be granted through an action in district court to prohibit the
19 person from continuing such acts. The action for injunctive
20 relief may be brought by the aggrieved nurse.

22 This bill relates to patient safety through nurse staffing.
23 The bill creates new Code chapter 135P to establish nurse
24 staffing plans, collaborative nurse staffing committees, and
25 patient safety plans. The bill also prohibits retaliatory
26 action against nurses.

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1 registered nurse-to-patient ratios to other hospital units if
2 the unit provides a level of care to patients whose needs are
3 similar to that listed. The bill also provides factors for the
4 collaborative nurse staffing committee to consider when setting
5 nurse-to-patient ratios above what is listed in the bill. The
6 bill provides that the nurse staffing plan provisions should
7 not be construed as a prohibition on the hospital's ability to
8 set standards that are equivalent to or higher than set under
9 the bill.

10 The bill specifies a hospital's obligations regarding a
11 staffing plan. The bill prohibits a hospital from averaging
12 the number of patients and total number of direct care
13 registered nurses assigned to a unit during any one shift or
14 over a period of a time in order to meet the requirements of
15 the nurse staffing plan. A hospital cannot impose mandatory
16 overtime requirements to meet the ratios required. Only direct
17 care registered nurses can relieve other direct care registered
18 nurses. A hospital cannot encroach on a direct care registered
19 nurse's scope of practice or require a direct care registered
20 nurse to train a replacement if doing so would jeopardize
21 patient safety. A hospital must establish a system to document
22 staffing in each unit for each shift. A hospital shall
23 approve updates to the nurse staffing plan as is appropriate
24 in relation to patient care requirements and the accuracy of
25 the acuity system. A hospital must conspicuously post staffing
26 levels for each unit in the unit and in waiting areas. A
27 hospital may not discipline a direct care registered nurse for
28 refusing to accept an assignment, if the nurse believes in good
29 faith and within the nurse's judgment that the assignment is
30 unsafe for patients. The bill provides that the requirements
31 established do not apply during a state of emergency. The bill
32 provides an exception from the staffing requirements and the
33 hospital obligations for critical access hospitals. The bill
34 also provides for the DIA to sanction a hospital for failing
35 to comply with the bill and allows the DIA to enact rules to



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1 enforce the bill.

2 The bill imposes similar requirements on nursing facilities
3 and mental health institutes, providing factors the facility's
4 or mental health institute's collaborative nurse staffing
5 committee must consider when developing a staffing plan, but
6 the bill does not require specific staffing ratios for nursing
7 facilities or mental health institutes.

8 The bill provides that hospitals, nursing facilities,
9 and mental health institutes shall establish collaborative
10 nurse staffing committees comprised of nonsupervisory staff
11 nurses. The membership of a committee shall be apportioned
12 among registered nurses, licensed practical nurses, and
13 advanced practice registered nurses based upon the proportion
14 of each type of nonsupervisory nurse licensees to the total
15 of nonsupervisory nurses employed by the hospital, facility,
16 or institute. The members of the committee will be appointed
17 by other nonsupervisory nurses with the same license. The
18 committee must have six members and must meet at least
19 annually. The hospital, nursing facility, or mental health
20 institute must compensate the employed nurses for time spent
21 on committee business. The committee may establish its own
22 rules and procedures by majority vote. The committee shall
23 recommend a nurse staffing plan to the hospital, facility, or
24 institute. The hospital, facility, or institute must provide
25 a written response indicating the reasons for not approving
26 the plan if it does not approve the plan. The committee must
27 annually evaluate the staffing plan and recommend updates to
28 the hospital, nursing facility, or mental health institute
29 respectively. If the hospital, nursing facility, or mental
30 health institute does not approve the updates, it shall provide
31 a written response indicating the reasons. The committee
32 must also recommend a reporting system for a nurse staffing
33 violation that allows a person with knowledge of the violation
34 to make a report to the DIA. The committee may make other
35 recommendations related to providing direct care to patients

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1 to the hospital, nursing facility, or mental health institute,
2 respectively. If the hospital, nursing facility, or mental
3 health institute does not approve the recommendation, it shall
4 provide written notice indicating the reason.

5 The bill also requires a school district to approve,
6 implement, and comply with a school nurse staffing plan
7 developed by the district's school nurses. The bill requires
8 the district's school nurses to consider, the number of
9 enrolled students, the need for direct health care services at
10 each school, the staffing levels and services provided by other
11 ancillary staff, the technology available that affects delivery
12 of care, obstacles to efficiency including the location of
13 schools in the district, and other relevant information. The
14 school nursing staffing plan must include at least the delivery
15 of services required to be administered by a school nurse, the
16 delivery of services that require the direct supervision of the
17 school nurse, and the delivery of services that require the
18 indirect supervision of a school nurse. The bill states that
19 a school district that does not approve a nurse staffing plan
20 must provide a written response indicating the reason for not
21 following the plan.

22 The bill also requires school nurses to annually evaluate
23 the nurse staffing plan and meet with the school board to
24 recommend updates to the plan. The school nurses also may make
25 other recommendations to the school district. If the school
26 district does not approve the updates or other recommendations,
27 it must provide a written response indicating the reason for
28 not adopting the recommended updates.

29 The bill requires a school district to compensate a school
30 nurse for time spent developing and evaluating the school nurse
31 staffing plan.

32 The bill also amends Code section 256.11 regarding the
33 school nurse requirements for a school district. The bill
34 decreases the number of students from 750 to 200 for which the
35 school district should have a school nurse. The bill also

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1 states that school districts should try to meet this goal by
2 2015.

3 The division takes effect July 1, 2013. The direct care
4 registered nurse-to-patient ratios and school nurse staffing
5 plans take effect not later than July 1, 2014, or July 1, 2016,
6 for a critical access hospital.

7 Division II of the bill relates to patient safety plans.
8 The bill provides that a hospital, nursing facility, or
9 mental health institute must develop, implement, and comply
10 with a patient safety plan. The patient safety plan must
11 include and establish a patient safety committee or equivalent
12 committee. The committee shall be comprised of the entity's
13 various health care professionals, but at least half of the
14 committee shall be comprised of direct care nurses. The
15 health care professionals employed by the entity who serve
16 on the committee must be compensated for the time spent on
17 committee business. The patient safety committee must review
18 and approve the patient safety plan, receive and review reports
19 of patient safety events, monitor implementation of corrective
20 actions, make recommendations to eliminate future patient
21 safety events, review and revise the patient safety plan at
22 least annually, and update the plan. The bill provides that a
23 patient safety plan must include a reporting system for patient
24 safety events, a process for a team of the entity's staff to
25 conduct analyses of patient safety events, and a process for
26 providing ongoing patient safety training. The bill states
27 that a "patient safety event", as used in the bill, shall be
28 defined by the patient safety plan. This division of the bill
29 related to patient safety plans takes effect July 1, 2013.
30 The implementation of a patient safety plan shall take effect
31 by July 1, 2014, except that a critical access hospital must
32 implement a patient safety plan by July 1, 2016.

33 Division III of the bill relates to nurses reporting
34 violations that affect patient safety. The bill provides
35 that a hospital, nursing facility, mental health institute,

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1 or school district shall not discharge or otherwise retaliate
2 against a nurse employed by the entity as a reprisal when the
3 nurse reports an action or event to the entity, DIA, or other
4 applicable state agency and the nurse reasonably believes the
5 action or event is a material violation of health and safety
6 laws or is a breach of public safety that has caused serious
7 harm to or creates a significant probability of serious harm
8 to patients or health care recipients. The division does not
9 apply if the disclosure is prohibited by statute. A person
10 who violates the division is liable to an aggrieved nurse for
11 affirmative relief including reinstatement with or without back
12 pay or any other equitable relief the court deems appropriate.
13 The bill also provides for an injunction when a person is
14 committing or proposes to commit an act in violation of the
15 division.



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Senate File 2068 - Introduced

SENATE FILE 2068
BY DEARDEN

A BILL FOR

1 An Act providing for civil damages for the commission of
2 unlawful acts related to bald eagles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5776SS (2) 84
av/nh



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S.F. 2068

1 Section 1. Section 481A.130, subsection 1, paragraph h,
2 Code 2011, is amended to read as follows:
3 h. For each deer, except as provided in paragraph `g`, and
4 for each bald eagle, swan, or crane, one thousand five hundred
5 dollars.

6 EXPLANATION

7 This bill provides that a person who unlawfully sells,
8 takes, catches, kills, injures, destroys, or possesses a bald
9 eagle is liable to the state for civil damages in the amount
10 of \$1,500. Criminal penalties may also be applicable for such
11 unlawful acts.



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Senate File 2069 - Introduced

SENATE FILE 2069
BY HOGG

A BILL FOR

1 An Act providing an individual and corporate income tax credit
2 for the purchase of a fuel efficient new motor vehicle and
3 including retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5261XS (2) 84
mm/sc



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S.F. 2069

1 Section 1. NEW SECTION. 422.11I Fuel efficient new motor
2 vehicle tax credit.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 a. *"Fuel economy"* means the average number of miles
6 traveled by an automobile per gallon of gasoline consumed as
7 determined by the United States environmental protection agency
8 administrator in accordance with 26 U.S.C. § 4064(c).

9 b. *"New motor vehicle"* means the same as defined in section
10 321.1, subsection 42, paragraph "c", excluding motorcycles and
11 motorized bicycles.

12 c. *"Plug-in electric drive motor vehicle"* means the same as
13 in section 30D(d) of the Internal Revenue Code.

14 2. The taxes imposed under this division, less the credits
15 allowed under section 422.12, shall be reduced by a fuel
16 efficient new motor vehicle tax credit for the purchase in this
17 state of a new motor vehicle subject to registration pursuant
18 to section 321.18, which was purchased by the taxpayer and
19 placed in service in this state during the tax year. The
20 credit shall be equal to the following amount:

21 a. Five hundred dollars if the new motor vehicle has
22 a highway or city fuel economy of between thirty-five and
23 thirty-nine miles per gallon.

24 b. One thousand dollars if the new motor vehicle has a
25 highway or city fuel economy of between forty and forty-four
26 miles per gallon.

27 c. Fifteen hundred dollars if the new motor vehicle has
28 a highway or city fuel economy of between forty-five and
29 forty-nine miles per gallon.

30 d. Two thousand dollars if the new motor vehicle has a
31 highway or city fuel economy of fifty miles per gallon or
32 higher, or if the new motor vehicle is a plug-in electric drive
33 motor vehicle.

34 3. For purposes of this chapter, the basis of any property
35 for which a credit is allowable under this section shall be

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1 reduced by the amount of the credit so allowed.

2 4. Any tax credit in excess of the taxpayer's liability for
3 the tax year is not refundable, but the taxpayer may elect to
4 have the excess credited to the tax liability for the following
5 three years or until depleted, whichever is earlier.

6 5. An individual may claim the tax credit allowed a
7 partnership, limited liability company, S corporation, estate,
8 or trust electing to have the income taxed directly to the
9 individual. The amount claimed by the individual shall be
10 based upon the pro rata share of the individual's earnings of
11 the partnership, limited liability company, S corporation,
12 estate, or trust.

13 Sec. 2. Section 422.33, Code Supplement 2011, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 29. The taxes imposed under this division
16 shall be reduced by a fuel efficient new motor vehicle tax
17 credit allowed under section 422.111.

18 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
19 retroactively to January 1, 2012, for tax years beginning on
20 or after that date.

21 EXPLANATION

22 This bill provides an individual and corporate income tax
23 credit for the purchase in this state of a new motor vehicle
24 subject to registration pursuant to Code section 321.18, which
25 was purchased by the taxpayer and placed in service in this
26 state during the tax year. "New motor vehicle" means the same
27 as defined in Code section 321.1, subsection 42, paragraph "c",
28 excluding motorcycles and motorized bicycles.

29 The amount of the credit varies depending on the fuel economy
30 of the new motor vehicle, as established by the United States
31 environmental protection agency. The credit equals \$500 if the
32 fuel economy is between 35 and 39 miles per gallon; \$1,000 if
33 the fuel economy is between 40 and 44 miles per gallon; \$1,500
34 if the fuel economy is between 45 and 49 miles per gallon; and
35 \$2,000 if the fuel economy is 50 miles per gallon or greater,

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1 or if the new motor vehicle is a plug-in electric drive motor
2 vehicle. "Plug-in electric drive motor vehicle" means the same
3 as in section 30D(d) of the Internal Revenue Code.

4 Taxpayers are required to reduce the basis of their new motor
5 vehicle by the amount of the credit allowed. The credit is not
6 refundable, but may be carried forward for up to three years.

7 An individual may claim the tax credit allowed a
8 partnership, limited liability company, S corporation, estate,
9 or trust electing to have the income taxed directly to the
10 individual. The amount claimed by the individual shall be
11 based upon the pro rata share of the individual's earnings of
12 the partnership, limited liability company, S corporation,
13 estate, or trust.

14 The bill applies retroactively to January 1, 2012, for tax
15 years beginning on or after that date.



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Senate File 2070 - Introduced

SENATE FILE 2070
BY ANDERSON

A BILL FOR

1 An Act relating to service of notice by mail for holders of a
2 property tax sale certificate of purchase.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5584XS (1) 84
md/sc



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1 Section 1. Section 447.9, subsections 1 and 2, Code 2011,
2 are amended to read as follows:
3 1. After one year and nine months from the date of sale,
4 or after nine months from the date of a sale made under
5 section 446.18, or after three months from the date of a sale
6 made under section 446.19A or 446.19B, the holder of the
7 certificate of purchase may cause to be served upon the person
8 in possession of the parcel, and also upon the person in whose
9 name the parcel is taxed, a notice signed by the certificate
10 holder or the certificate holder's agent or attorney, stating
11 the date of sale, the description of the parcel sold, the name
12 of the purchaser, and that the right of redemption will expire
13 and a deed for the parcel be made unless redemption is made
14 within ninety days from the completed service of the notice.
15 The notice shall be served by both regular mail and certified
16 mail to the person's last known address and such service is
17 deemed completed when the notice ~~by certified mail~~ is deposited
18 in the mail and postmarked for delivery. The ninety-day
19 redemption period begins as provided in section 447.12. When
20 the notice is given by a county as a holder of a certificate
21 of purchase the notice shall be signed by the county treasurer
22 or the county attorney, and when given by a city, it shall
23 be signed by the city officer designated by resolution of
24 the council. When the notice is given by the Iowa finance
25 authority or a city or county agency holding the parcel as
26 part of an Iowa homesteading project, it shall be signed on
27 behalf of the agency or authority by one of its officers, as
28 authorized in rules of the agency or authority.
29 2. Service of the notice shall be made by both regular mail
30 and certified mail on any mortgagee having a lien upon the
31 parcel, a vendor of the parcel under a recorded contract of
32 sale, a lessor who has a recorded lease or recorded memorandum
33 of a lease, and any other person who has an interest of record,
34 at the person's last known address. The notice shall be served
35 on any city where the parcel is situated. Notice shall not be



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1 served after the filing of the affidavit required by section
2 447.12. Only those persons who are required to be served the
3 notice of expiration as provided in this section or who have
4 acquired an interest in or possession of the parcel subsequent
5 to the filing of the notice of expiration of the right of
6 redemption are eligible to redeem a parcel from tax sale.
7 Service of the notice is deemed completed when the notice is
8 deposited in the mail and postmarked for delivery.

9 EXPLANATION

10 This bill relates to the manner in which a holder of a
11 property tax sale certificate of purchase provides certain
12 notices under Code chapter 447 (tax redemption) following a
13 tax sale. The bill requires that service of the notice of
14 expiration of right of redemption made on specified lienholders
15 and interest holders be made by both regular mail and certified
16 mail and specifies when service of such notice is deemed
17 completed.

18 Certified mail means a mail service provided by the United
19 States postal service where the post office provides the mailer
20 with a receipt to prove mailing.

21 Pursuant to Code section 447.14, the law in effect at the
22 time of tax sale governs redemption.



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Senate File 2071 - Introduced

SENATE FILE 2071
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3071)

A BILL FOR

1 An Act relating to and making supplemental appropriations
2 for the fiscal year beginning July 1, 2011, and including
3 effective dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 CORRECTIONS — APPROPRIATIONS
3 Section 1. 2011 Iowa Acts, chapter 134, section 3, is
4 amended to read as follows:
5 SEC. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.
6 1. There is appropriated from the general fund of the
7 state to the department of corrections for the fiscal year
8 beginning July 1, 2011, and ending June 30, 2012, the following
9 amounts, or so much thereof as is necessary, to be used for the
10 operation of adult correctional institutions, reimbursement
11 of counties for certain confinement costs, and federal prison
12 reimbursement, to be allocated as follows:
13 a. For the operation of the Fort Madison correctional
14 facility, including salaries, support, maintenance, and
15 miscellaneous purposes:
16 \$ ~~41,031,283~~
17 42,292,031
18 b. For the operation of the Anamosa correctional facility,
19 including salaries, support, maintenance, and miscellaneous
20 purposes:
21 \$ ~~31,985,974~~
22 32,168,148
23 c. For the operation of the Oakdale correctional facility,
24 including salaries, support, maintenance, and miscellaneous
25 purposes:
26 \$ ~~55,594,426~~
27 56,589,899
28 d. For the operation of the Newton correctional facility,
29 including salaries, support, maintenance, and miscellaneous
30 purposes:
31 \$ ~~25,958,757~~
32 26,601,701
33 e. For the operation of the Mt. Pleasant correctional
34 facility, including salaries, support, maintenance, and
35 miscellaneous purposes:

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1 \$ ~~25,917,815~~
2 26,321,902
3 f. For the operation of the Rockwell City correctional
4 facility, including salaries, support, maintenance, and
5 miscellaneous purposes:
6 \$ ~~9,316,466~~
7 9,490,461
8 g. For the operation of the Clarinda correctional facility,
9 including salaries, support, maintenance, and miscellaneous
10 purposes:
11 \$ ~~24,482,356~~
12 24,857,130
13 Moneys received by the department of corrections as
14 reimbursement for services provided to the Clarinda youth
15 corporation are appropriated to the department and shall be
16 used for the purpose of operating the Clarinda correctional
17 facility.
18 h. For the operation of the Mitchellville correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:
21 \$ ~~15,615,374~~
22 16,049,305
23 i. For the operation of the Fort Dodge correctional
24 facility, including salaries, support, maintenance, and
25 miscellaneous purposes:
26 \$ ~~29,062,235~~
27 29,456,158
28 j. For reimbursement of counties for temporary confinement
29 of work release and parole violators, as provided in sections
30 901.7, 904.908, and 906.17, and for offenders confined pursuant
31 to section 904.513:
32 \$ ~~775,092~~
33 1,075,092
34 k. For federal prison reimbursement, reimbursements for
35 out-of-state placements, and miscellaneous contracts:

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1 \$ ~~239,411~~
2 484,411
3 1. For three correctional officer full-time equivalent
4 positions that are to be assigned to a correctional institution
5 by the director of the department of corrections:
6 \$ 157,162
7 2. The department of corrections shall use moneys
8 appropriated in subsection 1 to continue to contract for the
9 services of a Muslim imam and a Native American spiritual
10 leader.
11 DEPARTMENT OF CORRECTIONS — ADMINISTRATION
12 Sec. 2. 2011 Iowa Acts, chapter 134, section 4, subsection
13 1, unnumbered paragraph 1, is amended to read as follows:
14 For general administration, including salaries, support,
15 maintenance, employment of an education director to administer
16 a centralized education program for the correctional system,
17 and miscellaneous purposes:
18 \$ ~~4,835,542~~
19 5,181,582
20 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES
21 Sec. 3. 2011 Iowa Acts, chapter 134, section 5, subsection
22 1, is amended to read as follows:
23 1. There is appropriated from the general fund of the state
24 to the department of corrections for the fiscal year beginning
25 July 1, 2011, and ending June 30, 2012, for salaries, support,
26 maintenance, and miscellaneous purposes, the following amounts,
27 or so much thereof as is necessary, to be allocated as follows:
28 a. For the first judicial district department of
29 correctional services:
30 \$ ~~12,204,948~~
31 12,658,088
32 b. For the second judicial district department of
33 correctional services:
34 \$ ~~10,336,948~~
35 10,598,654

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1 c. For the third judicial district department of
2 correctional services:
3 \$ ~~5,599,765~~
4 5,952,381
5 d. For the fourth judicial district department of
6 correctional services:
7 \$ ~~5,391,355~~
8 5,442,351
9 e. For the fifth judicial district department of
10 correctional services, including funding for electronic
11 monitoring devices for use on a statewide basis:
12 \$ ~~18,742,129~~
13 19,052,804
14 f. For the sixth judicial district department of
15 correctional services:
16 \$ ~~13,112,563~~
17 13,712,506
18 g. For the seventh judicial district department of
19 correctional services:
20 \$ ~~6,492,814~~
21 6,716,588
22 h. For the eighth judicial district department of
23 correctional services:
24 \$ ~~6,879,715~~
25 7,372,419

26 DIVISION II

27 RISK POOL FUNDING

28 Sec. 4. RISK POOL APPLICATIONS FOR FISCAL YEAR 2011-2012.

29 1. For the purposes of this section, unless the context
30 otherwise requires:

31 a. "County management plan" means the county management
32 plan for the county's mental health, mental retardation, and
33 developmental disabilities services system implemented in
34 accordance with section 331.439 and in effect as of July 1,
35 2011.

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1 b. "Department" means the department of human services.
2 c. "Risk pool board" means the risk pool board created in
3 section 426B.5.
4 d. "Services fund" means the county mental health, mental
5 retardation, and developmental disabilities services fund
6 created in section 331.424A.
7 2. All moneys remaining following the distributions made
8 pursuant to 2011 Iowa Acts, chapter 129, section 43, shall be
9 credited to and remain in the risk pool created in the property
10 tax relief fund pursuant to section 426B.5 for expenditure as
11 provided by law. Notwithstanding section 426B.5, subsection
12 2, paragraph "d", and 2011 Iowa Acts, chapter 129, section 43,
13 subsection 2, paragraph "c", a county may apply to the risk
14 pool board for assistance from the risk pool for the fiscal
15 year beginning July 1, 2011, in accordance with this section.
16 3. a. A county with individuals on a waiting list, as of
17 the effective date of this section, for services covered under
18 the county's county management plan is eligible to apply for a
19 distribution of assistance under this section.
20 b. In addition, a county may apply for assistance to
21 cover the nonfederal share of medical assistance waiver costs
22 chargeable to the county for the remainder of the fiscal
23 year of individuals who moved from the newly implemented
24 state waiting list for the medical assistance program home
25 and community-based services waiver for persons with an
26 intellectual disability.
27 c. In addition, a county may apply for risk pool assistance
28 based on the basic eligibility conditions and circumstances
29 specified in section 426B.5, subsection 2. The dates specified
30 in this section shall apply in lieu of the dates in section
31 426B.5, subsection 2, and the temporary funding increase
32 provided to counties for the fiscal year beginning July 1,
33 2009, through the federal American Recovery and Reinvestment
34 Act of 2009, Pub. L. No. 111-5, shall be disregarded. However,
35 the other basic eligibility requirements for risk pool

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1 assistance and all other requirements in section 426B.5,
2 subsection 2, shall remain applicable.

3 4. All of the following provisions shall apply to a funding
4 distribution under this section:

5 a. A county's application for the funding distribution must
6 be received by the department within 10 calendar days of the
7 enactment date of this section.

8 b. The county's application shall provide all of the
9 following information:

10 (1) A declaration that the county cannot provide services
11 in accordance with the county's management plan and remain in
12 compliance with the 99 percent budgeting requirement in section
13 331.439, subsection 5, resulting in the creation of a waiting
14 list or the need for the funding requested.

15 (2) An accounting of the individuals to be removed from
16 the county's waiting list or to have services funded with risk
17 pool moneys as a result of the funding applied for under this
18 subsection, along with the following information in a format
19 specified by the department:

20 (a) Each individual's unique client identifier established
21 pursuant to section 225C.6A, subsection 3.

22 (b) The date the individual was originally placed on the
23 county waiting list, removed from the state waiting list, or
24 would be subject to a service reduction or elimination without
25 the risk pool funding requested.

26 (c) The services needed by the individual.

27 (d) The projected cost for each service needed for that
28 individual for the period beginning on the date the individual
29 is removed from the county or state waiting list, or the date
30 of receipt of the risk pool funding requested, through June 30,
31 2012.

32 (e) The total cost for all of the services for each
33 individual for the fiscal year.

34 c. The application shall be accompanied by a signed
35 statement by the county's board of supervisors certifying

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1 that the individuals for whom funding is provided under this
2 subsection will not, through June 30, 2012, be placed by the
3 county on a waiting list for services.

4 d. Funding shall be distributed in the following priority
5 order:

6 (1) For counties with individuals on a waiting list as
7 described in subsection 3, paragraph "a".

8 (2) If funding remains after meeting the need described
9 in subparagraph (1), for counties applying for assistance to
10 cover the nonfederal share of medical assistance costs for
11 individuals who moved from the state waiting list as described
12 in subsection 3, paragraph "b".

13 (3) If funding remains after meeting the need described in
14 subparagraphs (1) and (2), for counties applying in accordance
15 with the basic eligibility conditions and circumstances
16 specified in section 426B.5, subsection 2, as described in
17 subsection 3, paragraph "c".

18 e. The risk pool board may accept or reject an application
19 for assistance in whole or in part if the board determines
20 the application does not meet the intent of this section or
21 a requirement of this section and, subject to the priority
22 order specified in paragraph "d", may prorate distribution of
23 funding as necessary to conform to the amount available for
24 distribution. The decision of the risk pool board is final.
25 The risk pool board shall issue a funding decision within 15
26 working days of the final receipt date for applications.

27 f. The funding addressed by this section shall be
28 distributed within 15 working days of the date the risk pool
29 board's funding decision is issued.

30 5. If moneys from a distribution made under this section
31 are not expended by a county by November 1, 2012, for services
32 provided prior to July 1, 2012, the county shall reimburse the
33 unexpended moneys to the department by November 30, 2012, and
34 the moneys reimbursed shall be credited to the risk pool in the
35 property tax relief fund.

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1 6. The risk pool board shall submit a report to the governor
2 and general assembly on or before December 31, 2012, regarding
3 the expenditure of funds distributed under this section.

4 DIVISION III

5 EFFECTIVE DATE

6 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
7 immediate importance, takes effect upon enactment.

8 EXPLANATION

9 This bill makes supplemental appropriations from the general
10 fund of the state for fiscal year 2011-2012 to the department
11 of corrections and authorizes additional applications for and
12 expenditures from the risk pool in the property tax relief
13 fund for purposes of county mental health, mental retardation,
14 and developmental disabilities (MH/MR/DD) services for FY
15 2011-2012. The bill is organized into divisions.

16 CORRECTIONS — APPROPRIATIONS. The following appropriations
17 made in 2011 Iowa Acts, chapter 134 (SF 510), to the department
18 of corrections are addressed: correctional facilities,
19 administration, and judicial district departments of
20 correctional services (community-based corrections or CBCs).

21 RISK POOL FUNDING. Code section 426B.5, subsection 2,
22 establishes the risk pool within the property tax relief fund
23 to provide assistance to counties in funding adult mental
24 health, mental retardation, and developmental disabilities
25 services. The risk pool is administered by the department of
26 human services. Under 2011 Iowa Acts, chapter 129 (HF 649),
27 section 43, two distributions were made to counties to address
28 waiting lists for such services, one in July 2011 and the other
29 in December 2011. The bill authorizes counties to apply to the
30 risk pool for moneys remaining after those distributions.

31 The bill defines the following terms: "county management
32 plan" means the management plan for the county's MH/MR/DD
33 services implemented in accordance with Code section 331.439 in
34 effect as of July 1, 2011; "department" means the department
35 of human services; "risk pool board" means the risk pool board

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1 created in Code section 426B.5; and "services fund" means the
2 county MH/MR/DD services fund created in Code section 331.424A.
3 Three groups are authorized to apply for assistance. First,
4 counties with a waiting list for services as of the bill's
5 effective date may apply for a funding distribution to pay for
6 services to the individuals in order to eliminate the waiting
7 list. Second, counties may apply for a distribution to cover
8 the costs chargeable to the county for the remainder of the
9 fiscal year of individuals who moved from the newly implemented
10 state waiting list for the medical assistance (Medicaid)
11 program home and community-based services waiver for persons
12 with an intellectual disability. The state waiting list was
13 implemented in October 2011. Previously, the waiting list was
14 managed by counties on an individual county basis. Third,
15 counties may apply based upon the risk pool basic eligibility
16 provisions and criteria in Code section 426B.5. Assistance is
17 to be distributed to first cover the need for the first group,
18 then the second group, and finally the third group.
19 An application for assistance is required to provide certain
20 information including the individuals involved, services
21 needed, and costs along with verification that the individuals
22 will not again be placed on a waiting list through June 30,
23 2012. Any amount of a funding distribution that is unused is
24 required to be reimbursed to the risk pool.
25 The risk pool board is authorized to accept or reject an
26 application in whole or in part and to prorate distribution if
27 necessary to conform to the amount available for distribution.
28 The bill provides for the following dates to be used
29 relating to the assistance authorized by the bill: a county's
30 application for risk pool assistance must be received by the
31 department of human services within 10 calendar days of the
32 enactment date of the bill, the risk pool board shall make its
33 final decisions concerning the acceptance or rejections of the
34 applications for assistance within 15 working days of the final
35 receipt date for applications, and the warrants providing the



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1 assistance to counties shall be issued within 15 working days
2 of the date the risk pool board's funding decisions are issued.
3 EFFECTIVE DATE. The bill takes effect upon enactment.



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Senate Study Bill 3096 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

1 An Act providing that a county enterprise includes natural
2 gasworks and electric light and power service plants and
3 systems.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5767SC (1) 84
md/sc



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1 Section 1. Section 331.461, subsection 2, Code 2011, is
2 amended by adding the following new paragraphs:
3 NEW PARAGRAPH. *h.* Natural gasworks, including natural
4 gas transmission and distribution systems, and including the
5 acquisition, establishment, construction, purchase, equipment,
6 improvement, extension, operation, maintenance, reconstruction,
7 and repair of works and facilities within or without the limit
8 of the county, and including works and facilities to be jointly
9 used by the county and other political subdivisions.
10 NEW PARAGRAPH. *i.* Electric light and power service
11 plants and systems, including generation, transmission,
12 and distribution systems, and including the acquisition,
13 establishment, construction, purchase, equipment, improvement,
14 extension, operation, maintenance, reconstruction, and repair
15 of works and facilities within or without the limit of the
16 county, and including works and facilities to be jointly used
17 by the county and other political subdivisions.

18 EXPLANATION

19 This bill amends the definition of "county enterprise" under
20 Code section 331.461 to include natural gasworks and electric
21 light and power service plants and systems.
22 Code chapter 331 authorizes a county to undertake a county
23 enterprise and provides as part of such authorization the
24 ability to issue revenue bonds, establish rates, collect
25 charges for services provided by the county enterprise, and
26 enter into specified contracts and leases.



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Senate Study Bill 3097 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to human papillomavirus including a public
2 awareness program and making appropriations for the public
3 awareness program, provision of vaccinations, and cervical
4 cancer screenings.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135.11, Code Supplement 2011, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 31. Administer a public awareness program
4 for human papillomavirus infection vaccination by identifying
5 medically accurate materials that contain information regarding
6 the risks associated with the various forms of the infection
7 in causing cervical cancer, and any other diseases for which
8 the department may recommend immunization or immunization
9 information, and the availability, effectiveness, and potential
10 risks of those vaccines. The department shall make the
11 identified materials available on the department's internet
12 site, provide education and training to health professionals
13 and the general public regarding the vaccines, and notify
14 each school district in the state of the availability of the
15 information. For the purposes of this subsection, "human
16 papillomavirus" means the group of viruses identified by the
17 centers for disease control and prevention of the United States
18 department of health and human services.

19 Sec. 2. HUMAN PAPILLOMAVIRUS VACCINATION PUBLIC AWARENESS
20 PROGRAM. There is appropriated from the general fund of the
21 state to the department of public health for the fiscal year
22 beginning July 1, 2012, and ending June 30, 2013, the following
23 amount, or so much thereof as is necessary, to be used for the
24 purposes designated:

25 For the human papillomavirus vaccination public awareness
26 program in accordance with section 135.11, subsection 31, as
27 enacted by this Act:

28 \$ 250,000

29 The department of public health may seek private sector
30 moneys for the purpose of supporting the public awareness
31 program.

32 Sec. 3. HUMAN PAPILLOMAVIRUS VACCINATION AND CERVICAL
33 CANCER SCREENING FUNDING. There is appropriated from the
34 general fund of the state to the department of human services
35 for the fiscal year beginning July 1, 2012, and ending June



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1 30, 2013, the following amounts, or so much thereof as is
2 necessary, to be used for the purposes designated:

3 1. For provision of vaccinations for human papillomavirus
4 to persons age 19 through 26 with incomes below 300 percent
5 of the federal poverty level, as defined by the most recently
6 revised poverty income guidelines issued by the United States
7 department of health and human services, who are not covered
8 by a third-party payer health policy or contract that pays for
9 such vaccinations:

10 \$ 2,500,000

11 The department shall distribute the amount appropriated in
12 this subsection to providers on behalf of eligible persons
13 within the target population.

14 2. For provision of advanced cervical cancer screening
15 by colposcope for women with incomes below 300 percent of
16 the federal poverty level, as defined by the most recently
17 revised poverty income guidelines issued by the United State
18 department of health and human services, who are not covered
19 by a third-party payer health policy or contract that pays for
20 such procedures and related laboratory services:

21 \$ 500,000

22 The department shall distribute the amount appropriated in
23 this subsection to providers on behalf of eligible persons
24 within the target population.

25 EXPLANATION

26 This bill relates to a public awareness program for human
27 papillomavirus infection.

28 The bill directs the department of public health (DPH) to
29 administer a public awareness program for human papillomavirus
30 infection vaccination by identifying medically accurate
31 materials that contain information regarding the risks
32 associated with the various forms of the infection in causing
33 cervical cancer, and for any other diseases for which the
34 department may recommend immunization or immunization
35 information, and the availability, effectiveness, and potential

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1 risks of those vaccines. The department is directed to make
2 the identified materials available on the department's internet
3 site, provide education and training to health professionals
4 and the general public, and notify each school district of the
5 availability of the information.

6 The bill also makes an appropriation to the DPH for the
7 public awareness program; to the department of human services
8 (DHS) for provision of vaccinations for human papillomavirus
9 to persons age 19 through 26 with incomes below 300 percent
10 of the federal poverty level (FPL) who are not covered by a
11 third-party payer health policy or contract that pays for such
12 vaccinations; and to DHS for provision of advanced cervical
13 cancer screening by colposcope for women with incomes below 300
14 percent of the FPL who are not covered by a third-party payer
15 health policy or contract that pays for such procedures and
16 related laboratory services.